

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, MAY 23, 1990

SESSION OF 1990 174TH OF THE GENERAL ASSEMBLY

No. 32

HOUSE OF REPRESENTATIVES

The House convened at 11 a.m., e.d.t.

**THE SPEAKER (ROBERT W. O'DONNELL)
PRESIDING**

PRAYER

REV. DR. DAVID R. HOOVER, former Chaplain of the House of Representatives, from McConnellsburg, Pennsylvania, offered the following prayer:

Almighty and Everlasting God, Thou loving and most gracious Heavenly Father, as true stewards of Thine we bow in Thy presence with a depth of gratitude and praise in our hearts and lives. We thank Thee for this day and all that it means to us; we are grateful for this Assembly and the constancy of Thy love and tender mercy; and we beseech Thee to keep us in the hollow of Thy hand and working for the accomplishment of Thy will and Thy way in our world.

O God, as we approach this memorial season, help us to never forget those who have served to preserve this land of the free and the home of the brave, and challenge us to nobly dedicate our talents that this government of the people, by the people, and for the people may not perish from the earth. Amen.

PLEDGE OF ALLEGIANCE

(The Pledge of Allegiance was recited by members and visitors.)

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, May 22, 1990, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals of Wednesday, April 18, and Monday, April 23, 1990, are in print and, without objection, will be approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2576 By Representatives LASHINGER, NAHILL, BUNT, CALTAGIRONE, COHEN, FAIRCHILD, HECKLER, TRELLO, SCRIMENTI, BILLOW, RAYMOND, MORRIS, SEMMEL, PRESSMANN, KASUNIC, FARGO, GEIST, SERAFINI, HERSHEY, E. Z. TAYLOR and TANGRETTI

An Act requiring registrations by certain persons and entities with the Department of State.

Referred to Committee on STATE GOVERNMENT, May 23, 1990.

No. 2577 By Representatives LASHINGER, REBER, VEON, DeLUCA, E. Z. TAYLOR, DISTLER, BILLOW, MORRIS, TRELLO, LINTON, MERRY and MICHLOVIC

An Act amending the act of April 2, 1980 (P. L. 63, No. 26), known as the "Divorce Code," further providing for marital property.

Referred to Committee on JUDICIARY, May 23, 1990.

No. 2578 By Representatives LASHINGER, FOX, NAILOR, CHADWICK, VEON, DeLUCA, FARGO, JOSEPHS, VROON, BILLOW, SEMMEL, MORRIS, TRELLO, MOEHLMANN and FARMER

An Act providing for premarital agreements and making uniform the law relating thereto.

Referred to Committee on JUDICIARY, May 23, 1990.

No. 2579 By Representatives DALEY and DeWEESE

An Act amending the act of December 17, 1988 (P. L. 2242, No. 69A), entitled "An act appropriating money from the Sunny Day Fund to the Department of Commerce for various projects throughout this Commonwealth for fiscal year 1988-1989," further providing for the award of funds for certain projects.

Referred to Committee on APPROPRIATIONS, May 23, 1990.

No. 2580 By Representatives CAPPABIANCA, BELARDI, TIGUE, PESCI, E. Z. TAYLOR, COY, RICHARDSON, HALUSKA, BELFANTI, TANGRETTI, PISTELLA, MORRIS and TRELLO

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing consumers with the right to reject automated meter reading devices.

Referred to Committee on CONSUMER AFFAIRS, May 23, 1990.

No. 2581 By Representatives DALEY, KASUNIC, STISH, ROBINSON, CORRIGAN, COLAIZZO and GRUITZA

An Act amending the act of December 5, 1936 (2nd Sp. Sess., 1937 P. L. 2897, No. 1), known as the "Unemployment Compensation Law," eliminating the one-week waiting period for compensation.

Referred to Committee on LABOR RELATIONS, May 23, 1990.

No. 2582 By Representatives DOMBROWSKI and CAPPABIANCA

An Act making an additional appropriation from the General Fund to the Auditor General for the fiscal year July 1, 1989 to June 30, 1990, for transfer to the Supplemental State Assistance Fund for Municipal Pension System State Aid to the City of Erie.

Referred to Committee on APPROPRIATIONS, May 23, 1990.

No. 2583 By Representatives BURNS, GAMBLE, HECKLER, WILSON, J. L. WRIGHT and CLYMER

An Act amending the act of June 5, 1947 (P. L. 458, No. 208), known as the "Parking Authority Law," extending the act to second class townships; and making editorial changes.

Referred to Committee on LOCAL GOVERNMENT, May 23, 1990.

No. 2584 By Representatives JACKSON, COLE, MOEHLMANN and DAVIES

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Lebanon, Lebanon County, in return for the imposition of Project 70 restrictions on certain lands to be conveyed to the City of Lebanon, Lebanon County.

Referred to Committee on STATE GOVERNMENT, May 23, 1990.

No. 2585 By Representatives NOYE, PICCOLA, FOX, CHADWICK, CLYMER, DEMPSEY, DININNI, VROON, JOHNSON, E. Z. TAYLOR, BARLEY, SCHULER, FAIRCHILD, BIRMELIN, SCHEETZ, HERSHEY, JACKSON, MARSICO, FLEAGLE, PHILLIPS, BURD, HECKLER, PITTS, SAURMAN, NAILOR, BUSH, WILSON, LEH, FREIND and MERRY

An Act providing that employment shall not be conditional upon membership or nonmembership in, nor upon the payment or nonpayment of money to, a labor organization; and providing remedies and penalties.

Referred to Committee on LABOR RELATIONS, May 23, 1990.

No. 2586 By Representative PIEVSKY

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," further providing for funding programs for exceptional children.

Referred to Committee on APPROPRIATIONS, May 23, 1990.

No. 2587 By Representatives J. L. WRIGHT, CAPPABIANCA, TANGRETTI, BROUJOS, SCHEETZ, STABACK, BATTISTO, SERAFINI, NOYE, JADLOWIEC, MELIO, COLAFELLA, J. H. CLARK, ACOSTA, E. Z. TAYLOR and McHALE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, increasing the penalty for driving while operating privilege is suspended or revoked.

Referred to Committee on TRANSPORTATION, May 23, 1990.

No. 2588 By Representatives J. L. WRIGHT, PETRARCA, McVERRY, WASS, ARGALL, JACKSON, MORRIS, FLICK, FOX, PERZEL, JOHNSON, HAGARTY, MELIO, FARMER, D. R. WRIGHT, WILLIAMS, SERAFINI, NAHILL, CARN, MAIALE, R. C. WRIGHT, THOMAS, CIVERA, TRELLO and TELEK

An Act providing for a voluntary contribution system to fund a homeless prevention activities program; establishing a special fund; and imposing powers and duties of the Department of Public Welfare and the Department of Revenue.

Referred to Committee on HEALTH AND WELFARE, May 23, 1990.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 326 By Representative COLE

Honoring the official guides of the Gettysburg Battlefield on the 75th Anniversary of their organization.

Referred to Committee on RULES, May 23, 1990.

No. 327 By Representatives J. L. WRIGHT, PETRARCA, HERMAN, JACKSON, DISTLER, MORRIS, TANGRETTI, TIGUE, PESCI, BILLOW, McVERRY, HECKLER, FARGO, NOYE, D. F. CLARK, JOHNSON, CARLSON, DEMPSEY, BUSH, COWELL, HAGARTY, McHALE, JOSEPHS, MERRY, ROBBINS, LANGTRY, CIVERA, FREEMAN, BATTISTO, D. W. SNYDER, MICHLOVIC, ADOLPH, STAIRS,

LAUGHLIN, RITTER, TELEK, BISHOP,
WILSON, MELIO, CLYMER, RYBAK,
STABACK, FARMER, D. R. WRIGHT,
DORR, WILLIAMS, SERAFINI, NAHILL,
CARN, DeLUCA, E. Z. TAYLOR,
HERSHEY, THOMAS, J. TAYLOR,
SAURMAN, ITKIN and TRELLO

Commending Blue Cross of Western Pennsylvania, Pennsylvania Blue Shield and the hospitals, physicians and other private contributors who have brought health care to low-income children through the innovative Caring Program for Children.

Referred to Committee on RULES, May 23, 1990.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that the following bills be removed from the table and placed on the active calendar:

HB 614;
HB 1554;
HB 2508; and
SB 258.

On the question,

Will the House agree to the motion?

Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker.

The gentleman from Westmoreland, Mr. PETRARCA, and the lady from Philadelphia, Mrs. HARPER, for today.

The SPEAKER. The Chair thanks the gentleman.

Without objection, the leaves of absence are granted.

BILL SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bill, which was then signed:

SB 848, PN 2087

An Act amending the act of December 15, 1988 (P. L. 1235, No. 151), entitled "Children's Trust Fund Act," providing for a surcharge on divorce complaints rather than divorce decrees; and authorizing the use of guidelines for grant criteria on an interim basis.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Mr. Fee.

Mr. FEE. Thank you, Mr. Speaker. To correct the record.

Yesterday I failed to vote on HB 1993, PN 2604, and I would like to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Olasz.

Mr. OLASZ. Mr. Speaker, yesterday on amendment No. 1038 to SB 1067, I was recorded as not voting. Had my switch functioned, I would have been recorded in the negative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House Matt Brosenne, Tres Wolf, Frank Fierro, and Eric Gibney, who are members of the Holy Name High School. They are seniors. They are the guests of Representative Gallen. They are to the left of the Speaker.

VOTE CORRECTION

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, yesterday on SB 1067, amendment 1536, my vote was not recorded. I would like to be recorded in the affirmative, please.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. WAMBACH. Thank you, Mr. Speaker.

CALENDAR

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 2416, PN 3299; HB 2458, PN 3366; HB 2459, PN 3367; HB 2460, PN 3542; HB 2461, PN 3543; HB 2462, PN 3544; HB 2469, PN 3386; HB 2470, PN 3387; HB 2571, PN 3520; HB 2515, PN 3477; HB 2516, PN 3478; HB 2517, PN 3479; HB 2518, PN 3480; HB 2519, PN 3481; HB 2520, PN 3482; HB 2521, PN 3483; HB 2522, PN 3484; HB 2523, PN 3485; HB 2524, PN 3486; HB 2525, PN 3487; HB 2526, PN 3488; HB 2527, PN 3489; HB 2528, PN 3490; HB 2529, PN 3491; HB 2530, PN 3492; HB 2531, PN 3493; HB 2532, PN 3494; HB 2533, PN 3495; HB 2534, PN 3496; HB 2535, PN 3497; HB 2536, PN 3498; HB 2537, PN 3499; HB 2538, PN 3500; HB 2539, PN 3501; HB 2540, PN 3502; HB 2541, PN 3503; HB 2542, PN 3504; HB 2543, PN 3505; HB 2544, PN 3506; HB 2545, PN 3507; HB 2546, PN 3508; HB 2547, PN 3509; HB 2548, PN 3510; HB 2549, PN 3511; HB 2550, PN 3512; HB 2551, PN 3513; HB 2552, PN 3514; HB 2553, PN 3515; HB 2554, PN 3516; and HB 2555, PN 3517.

* * *

The House proceeded to second consideration of **HB 1861, PN 3471**, entitled:

An Act providing for early intervention services for infants, toddlers and preschool children who qualify; establishing the

Interagency Coordinating Council and providing for its powers and duties; and conferring powers and duties upon the Department of Education and the State Board of Education, the Department of Health and the Department of Public Welfare.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1861 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1381, PN 1608**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), known as the "Tax Reform Code of 1971," further defining farming; further providing for the taxation on the sale of horses in certain circumstances; and exempting feed and other equipment for horses and mules.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1381 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 2256, PN 3020**, entitled:

An Act amending the act of March 11, 1971 (P. L. 104, No. 3), known as the "Senior Citizens Rebate and Assistance Act," further providing for property tax and rent rebates.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2256 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?

Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 2491, PN 3415**, entitled:

An Act making an appropriation to the Department of Public Welfare to increase the monthly supplemental payment for qualified Supplemental Security Income (SSI) recipients in licensed personal care boarding homes.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2491 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **SB 1008, PN 1180**, entitled:

An Act amending the act of March 4, 1971 (P. L. 6, No. 2), entitled "Tax Reform Code of 1971," providing an exclusion from the sales tax of certain gold and silver.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that SB 1008 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 559, PN 621**, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21), known as the "Public Welfare Code," further providing for eligibility for assistance.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 559 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1592**,
PN 1871, entitled:

An Act amending the act of June 13, 1967 (P. L. 31, No. 21),
known as the "Public Welfare Code," further providing for
persons eligible for medical assistance.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1592 be
recommitted to the Appropriations Committee for a fiscal
note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1593**,
PN 1872, entitled:

An Act establishing a system of primary health care in this
Commonwealth; providing for assistance, coordination and
support of the development of comprehensive primary health
care services for low-income citizens.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1593 be
recommitted to the Appropriations Committee for a fiscal
note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes Mr. Hayes for
leaves of absence.

Mr. HAYES. Thank you.

I request a leave for the gentleman from Dauphin County,
Mr. DININNI, for the day.

The SPEAKER. Without objection, leave is granted.

BILLS ON SECOND CONSIDERATION CONTINUED

The following bill, having been called up, was considered
for the second time and agreed to, and ordered transcribed for
third consideration:

HB 142, PN 155.

* * *

The House proceeded to second consideration of **HB 2077**,
PN 2740, entitled:

An Act making an appropriation to the Department of Public
Welfare for prescription products to assist persons who smoke to
stop smoking and for use in smoking cessation programs for
persons entitled to medical assistance.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 2077 be
recommitted to the Appropriations Committee for a fiscal
note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1117**,
PN 1277, entitled:

An Act amending the act of May 17, 1921 (P. L. 789, No.
285), known as "The Insurance Department Act of one thousand
nine hundred and twenty-one," further providing for the defini-
tion of "lending institution"; and authorizing the licensing of
lending institutions and bank holding companies to sell credit
unemployment insurance.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1117 be
recommitted to the Appropriations Committee for a fiscal
note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

* * *

The House proceeded to second consideration of **HB 1118**,
PN 3422, entitled:

An Act amending the act of September 23, 1961 (P. L. 1232,
No. 540), known as the "Model Act for the Regulation of Credit
Life Insurance and Credit Accident and Health Insurance,"
adding provisions relating to credit unemployment insurance.

On the question,
Will the House agree to the bill on second consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1118 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1716, PN 2094**, entitled:

An Act providing alternative incarceration and treatment for persons convicted of crimes involving the operation of a motor vehicle while under the influence of alcohol.

On the question,
Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HB 1716 be recommitted to the Appropriations Committee for a fiscal note.

On the question,
Will the House agree to the motion?
Motion was agreed to.

RESOLUTION

Mr. DeWEESE called up **HR 322, PN 3463**, entitled:

Requesting the Governor to develop a proposal and present a request for an appropriation utilizing Rainy Day moneys to meet the funding requirements for child abuse prevention and other child welfare services.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. DeWEESE. Mr. Speaker, I move that HR 322 be recommitted to the Committee on Rules.

On the question,
Will the House agree to the motion?
Motion was agreed to.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. RYAN. HR 322, my calendar is marked that it is to be voted upon, and this calendar was prepared by the staff

people. Unknown to me, you just did a quick voice vote—and I am not being critical of you; your calendar may be marked differently than mine—and you recommitted this. I would like a roll-call vote on a recommitment of this particular resolution.

The SPEAKER. Will the gentleman approach the podium, please.

(Conference held at Speaker's podium.)

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds its announcement that the vote on the recommitment of HR 322 was in the affirmative.

MOTION WITHDRAWN

The SPEAKER. The Chair now recognizes the majority leader, who withdraws his motion that HR 322 be recommitted.

RESOLUTION PASSED OVER

The SPEAKER. HR 322, over for today.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—194

Acosta	Donatucci	Lashinger	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Fleagle	Lucy	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gamble	Maine	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brandt	George	Mayernik	Staback
Broujos	Gigliotti	Melio	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stish
Burns	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Moehlmann	Stuban
Caltagirone	Hagarty	Morris	Tangretti
Cappabianca	Haluska	Mowery	Taylor, E. Z.
Carlson	Hasay	Mrkonc	Taylor, F.
Carn	Hayden	Murphy	Taylor, J.
Cawley	Hayes	Nahill	Telek
Cessar	Heckler	Nailor	Thomas
Chadwick	Herman	Noye	Tigue
Civera	Hershey	O'Brien	Trello
Clark, B. D.	Hess	Olasz	Trich
Clark, D. F.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafigliola	Jackson	Petrone	Wambach
Colaizzo	Jadlowiec	Phillips	Wass
Cole	James	Piccola	Weston

Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Distler	LaGrotta	Rieger	O'Donnell,
Dombrowski	Langtry	Ritter	Speaker

ADDITIONS—1

Clark, J. H.

NOT VOTING—0

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 64, PN 3111**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for affidavits of certain candidates relating to political body nominations.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—194

Acosta	Donatucci	Lashingier	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Fleagle	Lucyk	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gamble	Maine	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brandt	George	Mayernik	Staback
Broujos	Gigliotti	Melio	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stish
Burns	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Moehlmann	Stuban
Caltagirone	Hagarty	Morris	Tangretti
Cappabianca	Haluska	Mowery	Taylor, E. Z.
Carlson	Hasay	Mrkonic	Taylor, F.
Carn	Hayden	Murphy	Taylor, J.
Cawley	Hayes	Nahill	Telek
Cessar	Heckler	Nailor	Thomas

Chadwick	Herman	Noye	Tigue
Civera	Hershey	O'Brien	Trello
Clark, B. D.	Hess	Olasz	Trich
Clark, D. F.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colafrilla	Jackson	Petrone	Wambach
Colaizzo	Jadlowiec	Phillips	Wass
Cole	James	Piccola	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Distler	LaGrotta	Rieger	O'Donnell,
Dombrowski	Langtry	Ritter	Speaker

NAYS—0

NOT VOTING—1

Clark, J. H.

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 1744, PN 2148**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," changing the date for the General primary in 1994; and making a repeal.

On the question,
Will the House agree to the bill on third consideration?
Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—188

Acosta	Dorr	Laughlin	Robbins
Adolph	Durham	Lee	Robinson
Allen	Evans	Leh	Roebuck
Angstadt	Fairchild	Lescovitz	Rudy
Argall	Farmer	Levdansky	Ryan
Barley	Fee	Lloyd	Rybak
Battisto	Fleagle	Lucyk	Saloom
Belardi	Flick	McCall	Saurman
Belfanti	Fox	McHale	Scheetz
Billow	Freeman	McNally	Schuler
Birmelin	Freind	McVerry	Scrimenti
Bishop	Gallen	Maiale	Semmel
Black	Gamble	Maine	Serafini
Blaum	Gannon	Markosek	Smith, B.
Bortner	Geist	Marsico	Smith, S. H.
Bowley	George	Mayernik	Snyder, D. W.
Boyes	Gigliotti	Melio	Snyder, G.

Brandt	Gladeck	Merry	Stairs
Broujos	Godshall	Michlovic	Steighner
Bunt	Gruitza	Micozzie	Stish
Burd	Gruppo	Moehlmann	Strittmatter
Burns	Hagarty	Morris	Stuban
Bush	Haluska	Mowery	Tangretti
Cappabianca	Hasay	Mrkonic	Taylor, E. Z.
Carlson	Hayden	Murphy	Taylor, F.
Carn	Hayes	Nahill	Taylor, J.
Cawley	Heckler	Nailor	Telek
Cessar	Herman	Noye	Thomas
Chadwick	Hershey	O'Brien	Tigue
Civera	Hess	Olasz	Trello
Clark, B. D.	Howlett	Oliver	Trich
Clark, D. F.	Hughes	Perzel	Van Horne
Clymer	Itkin	Pesci	Veon
Cohen	Jackson	Petrone	Vroon
Colaella	Jadlowiec	Phillips	Wambach
Colaizzo	James	Piccola	Wass
Corrigan	Jarolin	Pievsky	Weston
Cowell	Johnson	Pistella	Williams
Coy	Josephs	Pitts	Wilson
DeLuca	Kaiser	Pressmann	Wogan
DeWeese	Kasunic	Preston	Wozniak
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	-----
Distler	LaGrotta	Rieger	O'Donnell,
Dombrowski	Langtry	Ritter	Speaker
Donatucci	Lashinger		

NAYS—1

Fargo

NOT VOTING—6

Caltagirone	Cole	Staback	Wright, D. R.
Clark, J. H.	Linton		

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The clerk of the Senate, being introduced, returned the following **HB 820, PN 3465**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," providing for the control of dangerous dogs; further providing for violations of the act; further providing for inspections; and providing penalties.

On the question,
Will the House concur in Senate amendments?

The SPEAKER. It is moved by the gentleman, Mr. Brandt, that the House do concur in the amendments inserted by the Senate.

The question recurs, will the House concur in the amendments inserted by the Senate? Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,
Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—194

Acosta	Donatucci	Lashinger	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Fleagle	Lucyk	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gamble	Maine	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brandt	George	Mayernik	Staback
Broujos	Gigliotti	Melio	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stish
Burns	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Moehlmann	Stuban
Caltagirone	Hagarty	Morris	Tangretti
Cappabianca	Haluska	Mowery	Taylor, E. Z.
Carlson	Hasay	Mrkonic	Taylor, F.
Carn	Hayden	Murphy	Taylor, J.
Cawley	Hayes	Nahill	Telek
Cessar	Heckler	Nailor	Thomas
Chadwick	Herman	Noye	Tigue
Civera	Hershey	O'Brien	Trello
Clark, B. D.	Hess	Olasz	Trich
Clark, D. F.	Howlett	Oliver	Van Horne
Clymer	Hughes	Perzel	Veon
Cohen	Itkin	Pesci	Vroon
Colaella	Jackson	Petrone	Wambach
Colaizzo	Jadlowiec	Phillips	Wass
Cole	James	Piccola	Weston
Corrigan	Jarolin	Pievsky	Williams
Cowell	Johnson	Pistella	Wilson
Coy	Josephs	Pitts	Wogan
DeLuca	Kaiser	Pressmann	Wozniak
DeWeese	Kasunic	Preston	Wright, D. R.
Daley	Kenney	Raymond	Wright, J. L.
Davies	Kondrich	Reber	Wright, R. C.
Dempsey	Kosinski	Reinard	Yandrisevits
Dietterick	Kukovich	Richardson	
Distler	LaGrotta	Rieger	O'Donnell,
Dombrowski	Langtry	Ritter	Speaker

NAYS—0

NOT VOTING—1

Clark, J. H.

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The clerk of the Senate, being introduced, returned the following **HB 1139, PN 3467**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested:

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the issuance of licenses for sales at performing arts facilities; and providing for the issuance of licenses for sales at nonprimary pari-mutuel wagering locations and racetracks.

On the question,

Will the House concur in Senate amendments?

The **SPEAKER**. It is moved by the gentleman, Mr. Miller, that the House do concur in the amendments inserted by the Senate.

The Chair recognizes the minority leader.

Mr. **RYAN**. Thank you, Mr. Speaker.

Mr. Speaker, there are a number of members of the House, I suspect, who will want to know what this bill is all about that we are about to vote on. I am requesting that the House come to attention so that someone can explain to us exactly what this bill does.

The **SPEAKER**. The Chair has been reluctant to demand the attention of the membership when there is no one at the microphone offering an explanation, but I now see the gentleman, Mr. Saloom, seeking recognition.

The matter before the House is, will the House concur in the amendments inserted by the Senate? On that subject, the Chair recognizes Mr. Saloom.

Mr. **SALOOM**. Mr. Speaker, the Senate amendments set a fee schedule for restaurant liquor licenses for nonprimary pari-mutuel wagering locations, and those fees are set for a one-time fee of \$5,000 per license with a \$2,000 penal bond. It also sets up a license for an amphitheater in Washington County or any county of the fourth class with a second-class township that has a seating capacity of 7,000. And it changes from a nonprofit, that a profit organization may apply for one of those licenses.

That is about what it does.

MOTION TO SUSPEND RULES

The **SPEAKER**. The Chair recognizes Mr. Clymer.

Mr. **CLYMER**. Thank you, Mr. Speaker.

Mr. Speaker, I am preparing an amendment for **HB 1139**. I would move at this time to suspend the rules so that I may offer that amendment.

The **SPEAKER**. Do I understand the gentleman that his amendment at this point is not in print?

Mr. **CLYMER**. I just talked to Reference Bureau, and the amendment has been completed. It is on its way down to the House right now.

The **SPEAKER**. Will the gentleman suspend.

Mr. **SALOOM**. Mr. Speaker?

The **SPEAKER**. The matter before the House is a motion to suspend the rules to permit an amendment to be offered to **HB 1139**. This motion is not debatable.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Allen	Fargo	Langtry	Scheetz
Angstadt	Farmer	Lee	Schuler
Argall	Fleagle	Leh	Scrimenti
Barley	Flick	Lloyd	Semmel
Battisto	Freeman	Lucyk	Serafini
Birmelin	Freind	McHale	Smith, B.
Black	Gallen	Marsico	Smith, S. H.
Bortner	Geist	Merry	Snyder, D. W.
Brandt	Godshall	Micozzie	Snyder, G.
Broujos	Gruitza	Moehlmann	Stairs
Burd	Gruppo	Mowery	Strittmatter
Burns	Hagarty	Nailor	Taylor, E. Z.
Bush	Haluska	Noye	Taylor, J.
Carlson	Hayes	O'Brien	Telek
Civera	Heckler	Phillips	Vroon
Clark, D. F.	Herman	Piccola	Wass
Clymer	Hershey	Pitts	Weston
Davies	Hess	Raymond	Williams
Dempsey	Jackson	Reinard	Wilson
Dietterick	Jadlowiec	Robbins	Wogan
Distler	Johnson	Rudy	Wright, J. L.
Durham	Kenney	Ryan	Wright, R. C.
Fairchild	Kondrich	Saurman	

NAYS—103

Acosta	Dombrowski	Lescovitz	Richardson
Adolph	Donatucci	Levdansky	Rieger
Belardi	Dorr	Linton	Ritter
Belfanti	Evans	McCall	Robinson
Billow	Fee	McNally	Roebuck
Bishop	Fox	McVerry	Rybak
Blaum	Gamble	Maiale	Saloom
Bowley	Gannon	Maine	Staback
Boyes	George	Markosek	Steighner
Bunt	Gigliotti	Mayernik	Stish
Caltagirone	Gladeck	Melio	Stuban
Cappabianca	Hasay	Michlovic	Tangretti
Carn	Hayden	Morris	Taylor, F.
Cawley	Howlett	Mrkonc	Thomas
Cessar	Hughes	Murphy	Tigue
Chadwick	Itkin	Nahill	Trello
Clark, B. D.	James	Olasz	Trich
Cohen	Jarolin	Oliver	Van Horne
Colafella	Josephs	Perzel	Veon
Colaizzo	Kaiser	Pesci	Wambach
Cole	Kasunic	Petrone	Wozniak
Corrigan	Kosinski	Pievsky	Wright, D. R.
Cowell	Kukovich	Pistella	Yandrisevits
Coy	LaGrotta	Pressmann	
DeLuca	Lashinger	Preston	O'Donnell,
DeWeese	Laughlin	Reber	Speaker
Daley			

NOT VOTING—1

Clark, J. H.

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

Less than a majority of the members elected to the House having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I would like to speak on the bill.

Mr. Speaker, I would like to have someone stand to be interrogated on this issue.

The SPEAKER. The gentleman, Mr. Saloom, indicates that he is willing to be interrogated. The gentleman may proceed.

Mr. CLYMER. Thank you.

Mr. Speaker, on page 2, line 27, it says, "Thereafter, the nonprimary pari-mutuel wagering location or the racetrack shall be subject to the above stated fees for restaurant licenses and the filing of a yearly bond in the amount of two thousand dollars...." My question is, are you referring to the \$5,000 on line 26 or is that language referring back to section 405 dealing with license fees, line 22?

Mr. SALOOM. Yes; that is correct, Mr. Speaker. It refers back to what the restaurant license would normally be, and they range from \$150 a year to \$600 a year. The \$5,000 is a one-shot item for an application fee for that particular location. But the \$2,000 bond would continue.

Mr. CLYMER. Thank you.

On page 6, beginning at line 29 where it says "...and except that nothing contained in this act shall be construed to prohibit the licensed nonprimary pari-mutuel wagering location or the racetrack from providing wagering within the entire licensed premises of the nonprimary pari-mutuel wagering location or the racetrack,..." my question is, is that not what was in the bill to begin with? Why the language?

Mr. SALOOM. I did not hear you, Mr. Speaker.

Mr. CLYMER. My question is, was not that information or language in the bill itself? Why are we putting this language in this bill, in HB 1139? I thought we had already dealt with this issue. It seems repetitious. Is it repetitious or not, the section that I just read?

Mr. SALOOM. There was nothing set up in the pari-mutuel licensing, and of course, that did not come out of our committee, but there was nothing set up there for the fees for the liquor licenses or the restaurant licenses. This amendment that the Senate put in would establish those fees and also establish what would be allowed, you know, as far as the nonprimary pari-mutuel wagering locations and where they may serve malt, brewed, or liquor or wine in those areas.

Mr. CLYMER. Mr. Speaker, going back to page 2 again. The fee has been set at \$5,000 for this special restaurant liquor license. How was that fee determined?

Mr. SALOOM. I think it was a request by the Liquor Control Board that a fee would be established for each of these new locations and that the cost of, you know, the investigation and of course the law enforcement would probably come into that neighborhood.

Mr. CLYMER. In other words, what you are saying is that, as I have recently read in the press where they are expecting in Philadelphia and at the Valley Forge Plaza, where possible off-track betting sites could be located and where they are expecting 1,000 people daily, that has been determined to be a reasonable fee. Is that correct? I want to make sure I am not misunderstanding your comments.

Mr. SALOOM. Mr. Speaker, it is hard for me to hear what you are saying, but if you are making that assumption, I guess it is correct.

Mr. CLYMER. Mr. Speaker, I would like to make some comments on this bill now.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. CLYMER. Mr. Speaker, I wish the members would give me their attention, because what we are doing here today has never been done before, and it is important that we recognize that a precedent is being set in this bill.

We are providing for a profit organization. In the past when we had special licenses, they usually went to the non-profit organizations. Now we are saying that 23 off-track betting sites that are in the profitmaking business are to receive a special exemption. Instead of going to the market—As I just quoted the possibility of two off-site places, Philadelphia and Valley Forge, historically they would go and buy a liquor license at the prevailing market rate. If it was \$2,000 or \$50,000 or \$75,000, that is what they would pay. Now we are saying that for these 23 off-track betting sites, they are going to receive special preference, and that is a \$5,000 fee.

Mr. Speaker, my amendment, had we suspended the rules, would have forced them to pay the price that the "mom and pops"—you know, we talk about them constantly on the floor of the House—and that other people have to pay from the Liquor Control Board.

POINT OF ORDER

Mr. SALOOM. Mr. Speaker, a point of order.

The SPEAKER. Will the gentleman, Mr. Clymer, suspend? Will the gentleman please state his point of order.

Mr. SALOOM. Mr. Speaker, we have already decided whether or not to suspend the rules. He is talking about an amendment, and I hope that he would confine his remarks to concurrence or nonconcurrence, which is what we are at this time debating, and the bill itself and the amendments.

The SPEAKER. The Chair appreciates the advice of the gentleman and urges him to withdraw that issue as a point of order. The Chair thanks the gentleman.

The gentleman may proceed.

Mr. CLYMER. We are on concurrence and final passage of HB 1139?

The SPEAKER. The matter before the House is concurrence in Senate amendments. The subject matter to be debated is that which the Senate has inserted in the bill.

Mr. CLYMER. Yes. Thank you.

And so, Mr. Speaker, as I just made those remarks, that is a problem that I have, that we are doing something very special for groups that could afford to pay that market price and be competitive with those out there who also are trying to make a dollar through their restaurants.

Now, Mr. Speaker, also I had interrogated Representative Saloom and asked him about another new innovation here in the bill. Why I am opposed to it is that we are providing gambling in a restaurant that has a liquor license, which is totally against the law at the present time, and I think that is somewhat irresponsible behavior on the part of this General Assembly. I do not think it is responsible behavior at all.

So, Mr. Speaker, I would urge my colleagues to reject HB 1139 on concurrence, send it back, and allow them to put in a provision that would equate the off-track betting parlors with the "mom and pops" and others who have to pay that full market value for their liquor licenses.

Thank you, Mr. Speaker. I appreciate the time.

WELCOME

The SPEAKER. The Chair is pleased to welcome to the hall of the House students in the fourth grade class from Wayne Elementary School in Delaware County, who are the guests of Representative Flick. They are located in the balcony. Will the guests please rise.

CONSIDERATION OF HB 1139 CONTINUED

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate Representative Saloom?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. WASS. Mr. Speaker, my concern is in the same area that Representative Clymer was referring to, and I would just like to have a few more facts on how it came about.

We understand that it is \$5,000 now. Who made that decision?

Mr. SALOOM. Mr. Speaker, the \$5,000 amendment was put in in the Senate, and I think it was at the request of the Liquor Control Board stating that their costs for investigation and a little profit, you know, for the board would amount to \$5,000.

Now, let me say one other thing while you have me under interrogation. There are going to be two of these nonprimary pari-mutuel wagering areas placed in 1990; just two this year. There will be two in 1991 and three in 1992. They have a right to place 26 of these nonprimary pari-mutuel wagering areas or locations throughout the State. We have no say-so any longer in that unless we pass other legislation. That legislation is already in. What we are providing for is a fee schedule for the liquor licenses that they will be applying for.

Mr. WASS. Mr. Speaker, it seems to me that there is an injustice here as we talk about the marketplace and the setting of this \$5,000 fee. Do you see some merit in establishing such a low figure to get into this business when we know what the top dollars are that they are paying for licenses?

Mr. SALOOM. Mr. Speaker, if they wanted to apply for a resort license, which they probably could get, they could get it for a few hundred dollars. So I think if we set a special provision and put this price tag on this particular type of license, yes, they will pay for it. If they did not wish to, they always had the opportunity for applying for a resort license.

So I think this is a fair fee, yes.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I want to make just a few remarks.

Mr. Speaker, I am deeply concerned also about the expansion of the right to sell liquor and booze at these different sites that are going to be provided. I feel that we should be a little more consistent. I think that they are just being taken advantage of, the regular tavern owner that has to start out by paying \$50,000 or \$60,000 for his license, and I believe that the legislature should really have yielded to Mr. Clymer's request for a suspension of the rules where he could have put that amendment in to have made it just a little bit fairer.

So, Mr. Speaker, I will vote against the bill.

The SPEAKER. The Chair recognizes Mr. Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I stand and urge the concurrence of the House to HB 1139. I think there is somewhat of a hyper reaction, if you will, to some of the language that has been discussed.

For the edification of the members, you may recall, back in 1988 when the Race Horse Industry Reform Act was amended, section 218 of that act, specifically now law in the Commonwealth of Pennsylvania, made reference to the fact that the General Assembly recognized the economic importance of the racehorse industry in the Commonwealth and further recognized that that particular industry, which is very ancillary to our agricultural industry, was in a state of decline. In section 218 of the Race Horse Industry Reform Act we specifically provided for the appropriate commissions to sanction nonprimary locations, and as part of that, we absolutely mandated that these particular locations, these particular facilities, would be wagering opportunities that would take on the appearance and operate identical to, and frankly, in even a better fashion than, high-class restaurant activities and high-class clubhouse facilities at our current racetracks. This particular act implied, if you will, that what we are talking about today would come into fruition even without the need of this remediation.

That is all this is, Mr. Speaker, an attempt to carry out the intent of the General Assembly in regard to what we have already enacted into law, and I do not think there is any need to become hyper about the issue, because we have already dealt with that issue. What we are doing now is clarifying where the Liquor Control Board might consider an ambiguity to be. I think it should be made clear that there is no ambiguity, that we desire to have identical operations as we have in clubhouses currently and have had for a number of decades in the Commonwealth of Pennsylvania relative to licensed and enforced wagering and licensed and enforced liquor activities in certain select areas of the Commonwealth.

More importantly, Mr. Speaker, we are not talking about now an establishment of a fee for a license that can be just transferred around as so-called "mom and pop" licenses can. These licenses will be unique, will be unique to the nonprimary locations, and cannot in essence be transferred to some other type of retail/wholesale establishment, if you will, at a later date.

So it is narrowly drawn; it is specifically defined; and most importantly, most importantly, it is carrying out the specific legislative intent of an act of the Commonwealth already on the books.

I wholeheartedly urge concurrence in HB 1139. Thank you.

The SPEAKER. The Chair recognizes Mr. Lashinger.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I want to add to some of Representative Reber's comments.

I agree with Representative Reber. All we are doing here today is returning to clarify mainly for the benefit of the Liquor Control Board, which made a decision that there needed to be enabling legislation within the Liquor Code to grant the licenses that we inferred in the nonprimary wagering legislation. We cast a vote in this chamber for the concept. Inside that legislation, as Representative Reber indicated, we established what we called quality eating and dining establishments. We were very clear that we wanted them to be owned by the person who also held the nonprimary wagering license, so despite what Representative Clymer indicated, there can be no transfer to an outsider, to anyone other than a licensee who also maintains the racetrack facility.

Maybe even more important than that, Mr. Speaker, is a comment on Representative Clymer's findings that we have never gone back to carve out a special license provision or a special class of license but for nonprofits in the Commonwealth. That is just not the case, Mr. Speaker. I have been here time and time again when we have continued to carve out special classes of licenses. This is not anything different from those classes that already exist that compete with what Representative Clymer categorized as "mom and pop" establishments. We did it for hotels; where a person, a for-profit company, constructs a hotel that meets the minimum room requirements, we grant them a special license. We have done it—and I was involved in the debate, on the opposite side of the debate—for for-profit companies that operate private and public golf courses. We allowed them to get essentially free licenses, not to have to go out into the secondary market and purchase licenses from someone else and to compete against the "mom and pop" operations that you indicate you are concerned about. Finally, we did it for airports, which in most cases, you are correct, would be authorities or nonprofits, but in some cases we have seen a grant of licenses to privately owned airports that compete and are for-profit companies.

So this is not news; there is nothing new. Representative Reber is right; we are just embellishing what we already did in the original nonprimary wagering bill and it is nothing that is inconsistent with what we have done in the Liquor Code in the past.

For all those reasons, Mr. Speaker, I would ask for concurrence.

The SPEAKER. The Chair recognizes Mr. Fox.

Mr. FOX. Mr. Speaker, I rise to speak in favor of concurring in HB 1139.

I want to bring to the attention of the members that the section dealing with the performing arts facilities is a positive one which will provide for many of the cultural centers in our districts the opportunity to continue operations by having the availability of the services regarding the beverage section.

I would ask for concurrence in this legislation, to help support the performing arts centers. Thank you.

The SPEAKER. The Chair recognizes Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, the maker of the bill or someone, I guess, that could speak on behalf of the maker of the bill, I would appreciate the opportunity to ask some questions of.

The SPEAKER. The Chair has recognized Mr. Williams, who requests interrogation. The gentleman, Mr. Saloom, has indicated that he is willing to be interrogated. The gentleman may proceed.

Mr. WILLIAMS. I guess my concerns are just a little bit more basic than some of those that have been raised earlier.

I am not quite clear the motivation and the need to have liquor sold at performing arts facilities nor the need to sell liquor at off-track betting locations or racetracks. I just need to know the state of mind as to why we are trying to encourage this rather than restrict this.

Mr. SALOOM. Mr. Speaker, these things have already occurred. Mr. Miller had placed a bill in the House and asked for consideration in the House Liquor Committee which would enhance the performing arts in his county by reducing the seating capacity of a theater from 1,000 to 650 seats, and of course, the House passed this bill unanimously or overwhelmingly, I might say, that particular day. It went to the Senate, and we found that there was a need for nonprimary pari-mutuel betting facilities to have a fee schedule set for liquor licenses, and it was either a bill that we might place here in the House, and this seemed to be the shortcut for the legislation, and of course, they took the action in the Senate to place that in. Of course, being a resort area down in Washington County and not allowing outdoor theaters to have liquor licenses, it was amended there to have this particular amphitheater, which seats 7,000 people, to have a restaurant liquor license for this outdoor area.

That, Mr. Speaker, is the history of this HB 1139.

Mr. WILLIAMS. Thank you, Mr. Speaker.

I am concluding my questions, but I would like to close with some comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. WILLIAMS. I recognize the benefits and I recognize the history and the logic behind the bill, and maybe this is not necessarily the time to take on the fight, but I do think some of us who are concerned about the direction in which our society is going with regard to drugs have to stand at some point in time.

I understand the comments made with regard to we passed legislation inferring that this is okay and that we want to clarify previous legislation, but I find it kind of ironic that on a day when we have young people in our hall witnessing the debate and our discussion with regard to matters concerning liquor and we are going to say to them, just say no to drugs, it is a bit hypocritical. It is a bit hypocritical for us to say, in order for us to get to our society and to create profits for our art institutions to continue, that we have to generate those profits from the sale of liquor; that we have to in fact depend upon the loss of faculty at a racetrack to encourage someone to continue to bet, to possibly sell away their home.

For me as one who is opposed to drugs of all kinds in our society, I have to stand at this point in time and say, regardless of whether we want to clarify, the only purifying thing that we can do is to begin to restrict and control and discourage all forms of the uses of drugs in our society - be that cocaine, be that marijuana, or be that what we have already passed and legalized, be that alcohol.

We have to inject some rationality and common sense in all the discussions. We just 2 months ago passed all these minimum mandatory sentences because we want people to go to jail because they sell drugs, and we have kids sitting in the back of this balcony seeing us debating on how we want to encourage and clarify the sale of liquor. To me personally, I just do not understand the logic behind it, and I am a bit disheartened that we are spending this much time to generate profits from something that we clearly know kills millions of Americans every day. We clearly know that when somebody is going to have a drink at a racetrack, they are going to lose some portion of their faculty and make a bet out of control.

Maybe you are right; maybe I cannot stop it today, but I am certainly standing in opposition to the passage of this bill. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to make certain that my statement is clear. I am not opposed to these racetracks having another license. That is not my problem. My problem is, when there are 1,144 licenses available on the market and they would have to go out and pay the market price, we are willing to give these agencies or these facilities a license for \$5,000. Now, that is not fair to any other tavern owner in the area. It is not fair that they start with \$5,000 and another tavern owner has to start with \$50,000, \$60,000, or \$75,000.

Let us start at square one. Let us open up the legislation for an amendment that will put them out into the market and get their license where others have to get them. There are 1,144 licenses available. Go out and pay for them. Do not expect them for \$5,000. That is my objection.

The SPEAKER. The Chair recognizes Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, just a few comments regarding the special classifications that have been created by the Liquor Control Board.

Indeed, airports have been a beneficiary, but if they are a municipal airport, they are nonprofit, so obviously they would fall into that classification that I said before - special classification for nonprofits.

Looking at the issue of hotels, that is true; we have had a time when a few liquor licenses were given to hotels, but they had to build so many rooms. My understanding is, there were certain regulations that went with it.

What we are talking about today is simply that we are allowing the possibility of 23 organizations buying into the system to purchase a liquor license for restaurant dining, and we are saying, instead of buying the liquor license at the market value, they can have it for \$5,000 and only pay that yearly fee, which, depending on where the location is, is from \$225 to \$625.

Mr. Speaker, that is unfair, and I am talking about the fairness of this issue, and therefore, again I urge my colleagues to cast a "no" vote on concurrence.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—125

Acosta	Dietterick	Laughlin	Reber
Battisto	Distler	Lee	Reinard
Belardi	Dombrowski	Lescovitz	Richardson
Belfanti	Dorr	Levdanskoy	Ritter
Billow	Durham	Linton	Roebuck
Bishop	Farmer	Lucyk	Saloom
Blaum	Fee	McCall	Scrimenti
Bowley	Fox	McNally	Serafini
Boyes	Gamble	McVerry	Staback
Bunt	Gannon	Maiale	Steighner
Burd	Gigliotti	Maine	Stish
Burns	Gladeck	Markosek	Stuban
Bush	Godshall	Marsico	Tangretti
Caltagirone	Gruitza	Mayernik	Taylor, F.
Cappabianca	Hagarty	Melio	Taylor, J.
Carlson	Haluska	Merry	Thomas
Carn	Hasay	Michlovic	Tigue
Cessar	Hayden	Micozzie	Trello
Chadwick	Howlett	Morris	Trich
Civera	Hughes	Murphy	Van Horne
Clark, B. D.	Itkin	Nahill	Veon
Cohen	Jadlowiec	O'Brien	Wambach
Colafiglia	Jarolin	Olasz	Weston
Colaizzo	Josephs	Oliver	Wogan
Cole	Kaiser	Perzel	Wozniak
Corrigan	Kasunic	Pesci	Wright, D. R.
Cowell	Kenney	Petrone	Wright, R. C.
DeLuca	Kosinski	Pievsky	Yandrisevits
DeWeese	Kukovich	Pistella	
Daley	LaGrotta	Pressmann	O'Donnell,
Davies	Langtry	Preston	Speaker
Dempsey	Lashinger	Raymond	

NAYS—67

Adolph	Fleagle	Lloyd	Scheetz
Allen	Freeman	McHale	Schuler
Angstadt	Freind	Moehlmann	Semmel
Argall	Gallen	Mowery	Smith, B.
Barley	Geist	Mrkonic	Smith, S. H.
Birmelin	George	Nailor	Snyder, D. W.
Black	Gruppo	Noye	Snyder, G.
Bortner	Hayes	Phillips	Stairs
Brandt	Heckler	Piccola	Strittmatter
Broujos	Herman	Pitts	Taylor, E. Z.

Cawley	Hershey	Rieger	Telek
Clark, D. F.	Hess	Robbins	Vroon
Clymer	Jackson	Robinson	Wass
Coy	James	Rudy	Williams
Evans	Johnson	Ryan	Wilson
Fairchild	Kondrich	Rybak	Wright, J. L.
Fargo	Leh	Saurman	

NOT VOTING—3

Clark, J. H.	Donatucci	Flick
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EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS CONTINUED

Mr. GEORGE called up **HR 309, PN 3401**, entitled:

Designating June 16, 1990, as "Civilian Conservation Corps Alumni Day."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—189

Acosta	Dombrowski	Laughlin	Robinson
Adolph	Donatucci	Lee	Roebuck
Allen	Dorr	Leh	Rudy
Angstadt	Durham	Lescovitz	Ryan
Argall	Evans	Levdansky	Rybak
Barley	Fairchild	Linton	Saloom
Battisto	Fargo	Lloyd	Saurman
Belardi	Farmer	Lucyk	Scheetz
Belfanti	Fee	McCall	Schuler
Billow	Fleagle	McHale	Scrimenti
Birmelin	Fox	McNally	Semmel
Bishop	Freeman	McVerry	Serafini
Black	Freind	Maiale	Smith, B.
Blaum	Gallen	Maine	Smith, S. H.
Bortner	Gamble	Markosek	Snyder, D. W.
Bowley	Gannon	Marsico	Snyder, G.
Boyes	Geist	Mayernik	Staback
Brandt	George	Melio	Stairs
Broujos	Gigliotti	Merry	Steighner
Bunt	Gladeck	Michlovic	Stish
Burd	Godshall	Micozzie	Strittmatter
Burns	Gruitza	Moehlmann	Suban
Bush	Gruppo	Morris	Tangretti
Caltagirone	Hagarty	Mowery	Taylor, E. Z.
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hasay	Murphy	Taylor, J.
Carn	Hayes	Nahill	Telek
Cawley	Herman	Nailor	Thomas
Cessar	Hershey	Noye	Tigue
Chadwick	Hess	O'Brien	Trello
Civera	Howlett	Olasz	Trich
Clark, B. D.	Hughes	Oliver	Van Horne
Clark, D. F.	Itkin	Perzel	Veon
Clymer	Jackson	Pesci	Vroon
Cohen	Jadlowiec	Petrone	Wambach
Colaifella	James	Phillips	Wass
Colaizzo	Jarolin	Piccola	Weston
Cole	Johnson	Pievsky	Williams
Corrigan	Josephs	Pistella	Wogan
Cowell	Kaiser	Pitts	Wozniak
Coy	Kasunic	Pressmann	Wright, D. R.

DeLuca	Kenney	Preston	Wright, J. L.
DeWeese	Kondrich	Raymond	Wright, R. C.
Daley	Kosinski	Reinard	Yandrisevits
Davies	Kukovich	Richardson	
Dempsey	LaGrotta	Rieger	O'Donnell,
Dietterick	Langtry	Ritter	Speaker
Distler	Lashingner	Robbins	

NAYS—1

Heckler

NOT VOTING—5

Clark, J. H.	Hayden	Reber	Wilson
Flick			

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. LESCOVITZ called up **HR 311, PN 3402**, entitled:

Memorializing the Secretary of Commerce to direct the Bureau of the Census to include all active military personnel in the census count by municipality, county and State.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—187

Acosta	Dorr	Lashingner	Robbins
Adolph	Durham	Laughlin	Robinson
Allen	Evans	Lee	Roebuck
Angstadt	Fairchild	Leh	Rudy
Argall	Fargo	Lescovitz	Ryan
Barley	Farmer	Levdansky	Saloom
Battisto	Fee	Lloyd	Saurman
Belardi	Fleagle	Lucyk	Scheetz
Belfanti	Fox	McCall	Schuler
Billow	Freeman	McHale	Scrimenti
Birmelin	Freind	McNally	Semmel
Black	Gallen	McVerry	Serafini
Blaum	Gamble	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Moehlmann	Suban
Caltagirone	Haluska	Morris	Tangretti
Cappabianca	Hasay	Mowery	Taylor, E. Z.
Carlson	Hayden	Mrkonic	Taylor, F.
Carn	Hayes	Murphy	Taylor, J.
Cawley	Heckler	Nahill	Telek
Cessar	Herman	Nailor	Thomas
Chadwick	Hershey	Noye	Tigue
Civera	Hess	O'Brien	Trello
Clark, B. D.	Howlett	Olasz	Trich
Clark, D. F.	Hughes	Oliver	Van Horne
Clymer	Itkin	Perzel	Veon
Cohen	Jackson	Pesci	Vroon
Colaifella	Jadlowiec	Petrone	Wambach
Colaizzo	James	Phillips	Wass
Cole	Jarolin	Piccola	Weston
Corrigan	Johnson	Pievsky	Williams
Cowell	Josephs	Pistella	Wogan
Coy	Kaiser	Pitts	

Coy	Kaiser	Pitts	Wozniak
DeLuca	Kasunic	Pressmann	Wright, D. R.
DeWeese	Kenney	Preston	Wright, J. L.
Daley	Kondrich	Reber	Wright, R. C.
Davies	Kosinski	Reinard	Yandrisevits
Dempsey	Kukovich	Richardson	
Dieterick	LaGrotta	Rieger	O'Donnell,
Distler	Langtry	Ritter	Speaker
Dombrowski			

NAYS—0

NOT VOTING—8

Bishop	Donatucci	Linton	Rybak
Clark, J. H.	Flick	Raymond	Wilson

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The question was determined in the affirmative, and the resolution was adopted.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair notes the presence of Representative James Clark in the hall of the House. His name will be added to the master roll.

RESOLUTIONS CONTINUED

Mr. MORRIS called up HR 319, PN 3461, entitled:

Providing for the appointment of a House select committee to examine issues and problems relating to land use, development and growth management in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—190

Acosta	Dombrowski	Lashinger	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Fleagle	Lucyk	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gannon	Maine	Smith, S. H.
Bowley	Geist	Markosek	Snyder, D. W.
Boyes	George	Marsico	Snyder, G.
Brandt	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Stairs
Bunt	Godshall	Merry	Steighner
Burd	Gruitza	Michlovic	Stish
Burns	Gruppo	Micozzie	Strittmatter
Bush	Hagarty	Moehlmann	Stuban
Caltagirone	Haluska	Morris	Tangretti
Cappabianca	Hasay	Mowery	Taylor, E. Z.
Carlson	Hayden	Mrkonich	Taylor, F.
Carn	Hayes	Nahill	Taylor, J.
Cawley	Heckler	Nailor	Telek
Cessar	Herman	Noye	Thomas

Chadwick	Hershey	O'Brien	Tigue
Civera	Hess	Olasz	Trello
Clark, B. D.	Howlett	Oliver	Trich
Clark, D. F.	Hughes	Perzel	Van Horne
Clark, J. H.	Itkin	Pesci	Veon
Clymer	Jackson	Petrone	Vroon
Cohen	Jadlowiec	Phillips	Wambach
Colaifella	James	Piccola	Wass
Colaizzo	Jarolin	Pievsky	Weston
Cole	Johnson	Pistella	Williams
Corrigan	Josephs	Pitts	Wogan
Coy	Kaiser	Pressmann	Wozniak
DeLuca	Kasunic	Preston	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kondrich	Reber	Wright, R. C.
Davies	Kosinski	Reinard	Yandrisevits
Dempsey	Kukovich	Richardson	
Dieterick	LaGrotta	Rieger	O'Donnell,
Distler	Langtry	Ritter	Speaker

NAYS—0

NOT VOTING—5

Cowell	Gamble	Murphy	Wilson
Donatucci			

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The question was determined in the affirmative, and the resolution was adopted.

* * *

Mr. COHEN called up HR 323, PN 3464, entitled:

Recommending that the Speaker of the House of Representatives appoint a bipartisan committee to study the feasibility of establishing a four-year college or university in Harrisburg.

On the question,
Will the House adopt the resolution?

The SPEAKER. For what purpose does the gentleman, Mr. Gallen, rise?

Mr. GALLEN. I would like to interrogate the sponsor of this resolution, Mr. Speaker.

The SPEAKER. The gentleman is in order, but the Chair would urge the gentleman to hold at this point. An amendment is going to be offered, and the gentleman may want to defer his interrogation.

On the question recurring,
Will the House adopt the resolution?

Mr. COHEN offered the following amendments No. A1623:

Amend First Resolve Clause, page 2, line 12, by striking out "five" and inserting seven

Amend First Resolve Clause, page 2, line 13, by striking out "four" and inserting six

On the question,
Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, a lot of members have expressed interest in serving on this committee to see whether Harrisburg could use a 4-year university or college, public or private. Therefore, I am seeking to expand the size of this committee to seven members of the majority party and six members of the minority party.

I urge your support for this amendment.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—187

Acosta	Dombrowski	Lashinger	Robbins
Adolph	Dorr	Laughlin	Robinson
Allen	Durham	Lee	Roebuck
Angstadt	Evans	Lescovitz	Rudy
Argall	Fairchild	Levdansky	Ryan
Barley	Farmer	Linton	Rybak
Battisto	Fee	Lloyd	Saloom
Belardi	Fleagle	Lucyk	Saurman
Belfanti	Flick	McCall	Scheetz
Billow	Fox	McHale	Schuler
Bishop	Freeman	McNally	Scrimenti
Black	Freind	McVerry	Semmel
Blaum	Gallen	Maiale	Serafini
Bortner	Gamble	Maine	Smith, B.
Bowley	Gannon	Markosek	Smith, S. H.
Boyes	Geist	Marsico	Snyder, D. W.
Brandt	George	Mayernik	Snyder, G.
Broujos	Gigliotti	Melio	Staback
Bunt	Gladeck	Michlovic	Stairs
Burd	Godshall	Micozzie	Steighner
Burns	Gruitza	Moehlmann	Stish
Bush	Gruppo	Morris	Strittmatter
Caltagirone	Hagarty	Mowery	Stuban
Cappabianca	Haluska	Mrkonic	Tangretti
Carlson	Hayden	Murphy	Taylor, F.
Carn	Hayes	Nahill	Taylor, J.
Cawley	Heckler	Nailor	Telek
Cessar	Herman	Noye	Thomas
Chadwick	Hershey	O'Brien	Tigue
Civera	Hess	Olasz	Trello
Clark, B. D.	Howlett	Oliver	Trich
Clark, D. F.	Hughes	Perzel	Van Horne
Clark, J. H.	Itkin	Pesci	Veon
Clymer	Jackson	Petrone	Vroon
Cohen	Jadlowiec	Phillips	Wambach
Colaafella	James	Piccola	Weston
Colaizzo	Jarolin	Pievsky	Williams
Cole	Johnson	Pistella	Wilson
Corrigan	Josephs	Pitts	Wogan
Cowell	Kaiser	Pressmann	Wozniak
Coy	Kasunic	Preston	Wright, D. R.
DeLuca	Kenney	Raymond	Wright, J. L.
DeWeese	Kondrich	Reber	Wright, R. C.
Daley	Kosinski	Reinard	Yandrisevits
Davies	Kukovich	Richardson	
Dempsey	LaGrotta	Rieger	O'Donnell,
Dietterick	Langtry	Ritter	Speaker
Distler			

NAYS—6

Birmelin	Hasay	Taylor, E. Z.	Wass
Fargo	Leh		

NOT VOTING—2

Donatucci	Merry
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EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House adopt the resolution as amended?

The SPEAKER. The Chair recognizes Mr. Gallen.

Mr. GALLEN. Mr. Speaker, may I interrogate Mr. Cohen?

The SPEAKER. Mr. Cohen indicates he is willing to be interrogated. The gentleman may proceed.

Mr. GALLEN. Mr. Speaker, would you try to describe what you are talking about with the creation of this new institution?

Mr. COHEN. Mr. Speaker, the purpose of this resolution is to study the question of whether or not Harrisburg, like many other State capitals around the Nation, should have a 4-year college here and, if it should have a 4-year college, whether it should be part of the State System; whether it should be part of a private system; whether it should be an expansion of some existing university; whether it should be a brand-new university; how much money, if any, would be worthwhile for the State to spend. The only thing that would be produced by this resolution would be a report.

Mr. GALLEN. So this study that would be undertaken would have no bottom line, so to speak. You are not talking about whether or not this will be a private institution, whether or not it will be a State-owned institution, or whether it will be a State-related institution.

Mr. COHEN. It could be anything, and one thing the study would be interested in is looking at all the options. There are various institutions in the Harrisburg area that might be interested in expanding, and in day-to-day university administration work, an awful lot of time is spent on parking spaces and faculty salary and appeals of student discipline problems and very little time is spent on the future growth of educational opportunities in Pennsylvania. This resolution would form a committee which would have hearings and which would encourage thought by educational institutions as to what their future growth is. It would issue a report to the House, and the House would then decide what to do with the report, but all by itself, this committee will do nothing.

Mr. GALLEN. Mr. Speaker, then there is no appropriation connected with this committee that is being set up. Is that correct?

Mr. COHEN. No, there is no appropriation. There is no cost beyond the normal cost of running the House of Representatives for this resolution.

Mr. GALLEN. There would be no special staff hired?

Mr. COHEN. There will be no special staff.

Mr. GALLEN. If an institution that is currently located here wishes to expand, can they not do that now? I mean, do they need a study by this chamber in order to make that determination?

Mr. COHEN. I think there is a question as to whether they want to expand, and they are interested in what the public reaction is, and I think encouraging the committees, encouraging educational institutions to come up with plans or rebuttals of other plans is a worthwhile step towards resolving this question.

Mr. GALLEN. Have you found, Mr. Speaker, that there is untoward difficulty in pursuit of a higher education in the Harrisburg area?

Mr. COHEN. I am sorry. I did not hear the gentleman.

Mr. GALLEN. My question is, have you found that there is extreme difficulty for students who would like to pursue higher education in the Dauphin County area?

Mr. COHEN. There have been complaints from people in Harrisburg and central Pennsylvania generally that they do not have adequate educational opportunities. I have also heard from my constituents and constituents of other legislators around my district that they would like to come to school in Harrisburg but there are no adequate opportunities for them.

I have been involved, as you know, in the establishment of a Widener University Law School branch, and I have found that that school has drawn from all over the Commonwealth of Pennsylvania and has many, many applicants for this year's classes, and it has proven to be a statewide institution. I believe that it might be possible to have an institution which would draw from all over the State of Pennsylvania, that would be here, that would encourage people to go to school in Pennsylvania instead of outside Pennsylvania. Our PHEAA (Pennsylvania Higher Education Assistance Agency) system, we pay people to go to school in New York, in Massachusetts, in Ohio, and in all the 50 States, and often people want to go to the other States because they do not feel they have adequate opportunities here in Pennsylvania.

Mr. GALLEN. Thank you, Mr. Speaker. That is the end of the interrogation.

Mr. Speaker, I do not have any real problem with doing an investigation or having a committee set up to explore the possibilities, but I am just afraid that we are going to get into another major budget problem as a result of this study. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I rise with Representative Cohen as a prime cosponsor of this resolution to ask the House' support for it.

I want to just draw the attention of the members to page 2 of the resolution, line 13, and the purpose of the resolution itself is stated in the first "RESOLVED" clause, and it continues on to the second. It is being offered "...to study the feasibility of establishing a four-year college or university in Harrisburg,..." and in the second "RESOLVED" clause, line 19, "...in order to determine what the options are for such an undertaking, and what the costs and benefits would be...."

Since the editorial appeared in the Patriot-News, Mr. Speaker, and since Representative Cohen and I had met in discussion of this approach, we have, ourselves, been

approached by schools in the area as well as the State System of Higher Education as well as private universities as well as Penn State at Harrisburg as well as some board members from Harrisburg Area Community College, and I think what it has done has sparked an interest in what we are attempting to put out for a study, and for a study only.

We have seen major areas of this State, because they have a 4-year institution, that have grown and blossomed because of the relationship businesses want to have with higher education. I think it is important for us to remember here in Harrisburg that in fact we are probably the only major capital in the United States that does not have a 4-year university, but, Mr. Speaker, a 4-year university in Harrisburg will not be established at the expense of an existing system, and I think that is important to remember.

What the feasibility study does is simply study the issue; bring the academicians together to give us their thought in a public forum, and I think it is important to understand the track record and history of what occurred just recently with the efforts of Representative Cohen and others regarding a law school here in Harrisburg. The only thing we ask in HR 323, Mr. Speaker, is to ask for your support to study this notion and to see if in fact it is worth the merit to continue looking into a situation where we can establish down the line a 4-year institution here at Harrisburg.

Thank you very much, and I request your support for the study as expressed in HR 323.

The SPEAKER. The Chair recognizes Mr. Schuler.

Mr. SCHULER. Thank you, Mr. Speaker.

Will the gentleman of the resolution stand for interrogation?

The SPEAKER. The gentleman indicates he is willing to be interrogated. The gentleman may proceed.

Mr. SCHULER. Thank you, Mr. Speaker.

Mr. Speaker, in the first "RESOLVED," it is my understanding that what could occur, the State System could provide the 15th university in the city of Harrisburg. Am I correct in that understanding?

Mr. COHEN. That could happen. That would be one of the options that would be studied, and we would see what the positive benefits are and what the costs would be to the Commonwealth of Pennsylvania and would make a recommendation or just compile data and let the House and the public generally decide what the value of each option is.

Mr. SCHULER. My second question deals with line 18 of the second "RESOLVED," where you say "...may be interested in opening a campus...." Now, is the intent to mean an off-campus from a—like Mansfield would put an off-campus center in Harrisburg? Is that the intent of what you are talking about here?

Mr. COHEN. That would be a theoretical possibility, like there are endless theoretical possibilities.

Mr. SCHULER. All right.

Mr. COHEN. What we would want to do is to see, of all the endless theoretical possibilities, what theoretical possibilities are educational institutions interested in pursuing; what

would be the cost of that to the taxpayers; how much private support, if any, would be available to support that; what is the demand, if any. This would all be studied.

Mr. SCHULER. Okay. Thank you, Mr. Speaker. That concludes my interrogation.

The SPEAKER. The Chair recognizes Mr. Merry.

Mr. MERRY. Mr. Speaker, I have several questions about this resolution. I am going to ask them broadly because I am seeking information.

My question is, here is a proposal that has a great deal of merit, but if it is overwhelmingly feasible, I would question why someone else has not set up a branch campus or has not operated it under our present university system. I think that opportunity exists without us proceeding on a legislative basis.

From a practical standpoint, in looking at the resolution, there is a precedent that is followed to a high degree of where the Speaker appoints a committee to do this, and he normally appoints the person that is the originator of the resolution, so we end up with a possibility of Representative Cohen or Representative Wambach being on this study panel. We know that they are already advocates for the things and with good reason. I do not discredit their involvement in this procedure, but if a bipartisan committee was to be appointed, I would think it should really be bipartisan and neutral in spirit and in background. So I just say that if we do anything, let us not have an exercise in futility here where we end up having the same two speakers come back with the same report, which gives us a glowing report.

I think we should take a strong look at this resolution and possibly let the free forces of the enterprise be the ruling factor here rather than legislative effort.

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this resolution, and I know that it is unusual to debate a resolution this lengthily and to oppose the creation of a study committee, but I honestly believe that what we are doing is creating a committee after the report has already been written.

The prime sponsors of this resolution already know where they want to go with this resolution. They want to know what they want to establish, and if the report were to read in the affirmative to establish such a university, I cannot think of anything that would be more detrimental to the Harrisburg area and the educational community in general than the creation of a 4-year institution in this city.

First of all, let me call to your attention on page 1, line 8, the point that they make that 18,000 qualified students for admission were rejected because of lack of space. That just is not accurate. Mr. Speaker, think back; those of you who went to school, think back to when you applied to college, and you know that when you applied, you did not all apply just at one institution. You applied at several, and you chose one of those that agreed to admit you, and that, I would suggest to you, is the case with most of these 18,000. Now, in this city we have a community college with an open enrollment system that does

not reject any applicant. Anybody who wants to go to college in this area has the opportunity by enrolling at the Harrisburg Area Community College. They were not rejected. Maybe they were rejected by the institution of their first choice, but they were not rejected for the right to go on to further their education.

Mr. Speaker, in this Harrisburg area, students have a choice of going to the Harrisburg Area Community College, continuing their education in the last 2 years at Penn State Capital Campus. Within 40 minutes' driving of this city, you have Shippensburg University and Messiah College, which is a private institution; Dickinson College, a private institution; Franklin and Marshall, a private institution; Elizabethtown; Millersville, a State institution; Lebanon Valley; York College; York-Penn State.

Mr. Speaker, there is no shortage of educational facilities for the people of central Pennsylvania. If you establish another institution here, all you are going to do is weaken the system that is already in place. I do not care if a private individual is going to put up the bulk of the funds to build this institution; you are going to wind up trying to find the money to pay for it, because those students who enroll at a private institution qualify for institutional assistance grants from the Commonwealth of Pennsylvania and it is going to cost the Commonwealth more money, which means that that money is going to have to be spread thinner than it is among the institutions you are already dealing with.

Mr. Speaker, this is, in all due respect to the people who developed this idea, not a good idea. If you want to do something for the educational system of Pennsylvania, then find the money to pay the bills at the 14 State-owned institutions, which are deteriorating on our college campuses; find the money to enhance the programs at Penn State and Temple and Pitt, and those institutions, by the way, are already offering courses in this city in the evenings. There is no shortage of available opportunities.

I urge you to reject this resolution.

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I, too, rise to oppose this resolution. I would like to concur with all the remarks made by Representative Noye.

The Commonwealth of Pennsylvania can be very proud of its diversity of opportunity at the level of higher education, and right here in this Harrisburg area we have a reflection of that diversity. We have opportunities at all levels. We have opportunities for all types of students, whether they be older students, whether they be the conventional students.

I disagree completely with the fact that there was a statement made on the floor of this House that this new university or college would not come at the expense of other universities. I disagree with that. I serve on the Education Committee, which extensively looked at colleges and universities that have a great need for maintenance of their buildings, and I assure you that in this area particularly, particularly in the Harrisburg area, we have opportunities, and that is what it is

all about on higher education, and we do not need another university.

I would urge my colleagues to vote against this resolution.

The SPEAKER. The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Mr. Speaker, may I question the maker of this resolution?

The SPEAKER. The gentleman, Mr. Cohen, indicates he is willing to be questioned. The gentleman may proceed.

Mr. WOZNIAK. Does this resolution cost the State any money to take a look at this situation?

Mr. COHEN. No; it costs the State absolutely no money.

Mr. WOZNIAK. Who will be paying for this feasibility study?

Mr. COHEN. All the feasibility study will be is public hearings and an evaluation by the committee of the testimony at public hearings. That is all.

Mr. WOZNIAK. Mr. Speaker, I have no problem in supporting an effort to take a look to see if it is realistic to put an institution of higher learning in the State capital as long as the resolution does not cost any money. We can tackle the merits of the issue if and when that reality comes to be. Thank you very much.

The SPEAKER. The Chair recognizes Mr. Herman.

Mr. HERMAN. Thank you very much, Mr. Speaker.

With regret, I am standing to oppose this resolution.

As previous speakers have pointed out, there are many ample opportunities for education here in the Harrisburg area with a diversity of educational institutions to attend. Certainly even the thought of creating another university here in Harrisburg would further bust our system we currently have.

Recent data indicates—and we are all very well familiar with this as legislators—that we rank 47th in the Nation in State support for higher education. I think that rather than creating a new university or even thinking of doing so, our legislators here in the House, as well as the Senate, should concentrate our efforts in funding the universities that we now have.

Further, I think that maybe a possibility, if the prime sponsor really feels that there is evidence to suggest that a 4-year institution is needed right here closer to the capital city, that possibly an expansion of the Penn State Capital Campus into a 4-year institution should be one that merits further feasibility rather than this current resolution.

With that, Mr. Speaker, I am going to regretfully vote against this resolution and encourage my colleagues to do so.

The SPEAKER. The Chair recognizes Mr. Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, if I represented a community or a district where part of my constituency might be Penn State or might be one of our other universities, be it public or private, I, too, probably would be quick to jump up and say, there is no problem; there is no issue; we really do not need to talk about additional higher education needs; we do not need to talk about unserved or underserved areas, because we can take care of it. I understand that, and that is a natural reaction and nothing wrong with that, but it also is a premature reaction to the question that is raised by this resolution.

Those who have spoken in opposition have already reached a conclusion to the question that this resolution is intended to explore. The resolution is asked to explore the feasibility of establishing an institution in this area, and it is asked to explore the different options which might be available.

I personally have said on a lot of occasions in different places that we are not likely to see new colleges and universities established. What we are much more likely to see is an extension of programs into unserved or underserved areas by existing institutions. I personally believe that that probably is likely to be one of the recommendations that would come out of this kind of study, but it would be premature for me to reach that conclusion as well. That is simply one of the options that might be recommended, might be identified by this committee.

It is pretty clear to a lot of us who sit in Harrisburg and spend a good bit of our lives here and read some of the local newspapers that this is a mushrooming area, this entire central part of the State and certainly the Metropolitan Harrisburg area, if you will. As I talk to a lot of people, including people who are on our staff and other citizens, potential students of all ages in this region, they are not completely satisfied with all the higher education or postsecondary education options available to them in this region. They, too, would like to see other options made available. Probably, not certainly but probably, just by the legislature raising this question and establishing this committee and causing this question to be pondered, we might have an impact on some of the existing institutions that would have cause to think through their offerings and have cause to think through how they might better serve, with their existing programs or an extension of their programs, this particular geographic region and the people who live here.

So I would urge that we not be premature about reaching any conclusions about what this committee would find or what it would recommend. I think that there is a legitimate issue to be raised. I think that the resolution is written broadly enough that all the possible options can be explored and may be the subject of recommendation, and they would only be recommendations for consideration by the General Assembly as well as by our public and private institutions of higher education.

I think it is appropriate that we ask those questions, that we pursue them, and therefore, I urge that we support this resolution.

The SPEAKER. The Chair recognizes Mr. Wambach.

Mr. WAMBACH. Thank you, Mr. Speaker.

Mr. Speaker, I think as responsible legislators—and we all are responsible legislators—we want to come before each with an issue that we have and we like to sponsor or cosponsor an issue, and obviously, a feasibility study for a 4-year institution here in Harrisburg was sponsored by Representative Cohen, myself, and many others. To say that there has been a conclusion drawn about how I feel or about how Representative Cohen feels, as Mr. Merry indicated, about higher education in Harrisburg, the only conclusion I think you can draw by

the support of that sponsorship on the resolution is that we would like to see a study to look at the situation and determine for ourselves and for this body whether or not it would be correct to pursue.

Now, we would be wrong and entirely wrong to come before this body with a bill that would establish a 4-year institution here in Harrisburg today. We are not doing that. We are being responsible legislators. We are coming forth to ask you to support a very low cost study to determine if it has merit to pursue. What is so difficult about that?

I am a product of the Harrisburg Area Community College. I am a son of parents who had 14 children, who could not afford higher education at 4-year institutions. There are people sitting in this room that joined me at Harrisburg Area Community College. My good friend, Representative Noye, got his education at Harrisburg Area Community College and Representative Jerry Nailor. We are happy and pleased to have had it. We are happy and pleased that the community college system was in place when we were pursuing our higher educational efforts.

But let us not say here that we are not in favor of looking into the possibility of establishing, through a feasibility study, an institution of higher learning of a 4-year capacity here in Harrisburg. We are responsible; that is why we are coming forth with a study.

We want to say that we have expanded the committee to look at this to 13 members - 7 from the majority, 6 from the minority - and, Representative Noye, there is a spot for you there if the Speaker wants to so choose to appoint you. I favor and I value your opinion on this issue, and I expect you to be on it. I want you to be on it, and I would recommend to the Speaker just as I would recommend for myself, that I sit on that study commission as well.

So I would like to say in conclusion that let us look at the issue that is going to be a very low cost to this chamber out of existing funds that are coming from this Assembly to look into issues; let us be responsible; let us not establish a 4-year institution by legislation today, but let us look into it, Mr. Speaker, through the study today and permit this process to move forward. Thank you.

And let us not draw conclusions as to what the recommendations will be. I think we should abide by what we hear in the public hearings and take in all the thoughts. As Representative Herman even indicated, Penn State Capital Campus may just well feel justified in establishing a 4-year institution here in Harrisburg.

Let us not thwart the discussion. Let us not close down the debate on the issue. Let us add a little sun to it and let us nurture it to find a conclusion based on all of the opinions that are here in central Pennsylvania, including all of those opinions that may come from every institution that Representative Noye mentioned in his comments.

Thank you, and I would appreciate an affirmative vote on this resolution.

The SPEAKER. The Chair recognizes Mr. Wass.

Mr. WASS. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief.

There was another resolution passed that we were all interested in, and that was HR 159. That resolution directed us to visit our campuses, and we found a very bad situation out there. Our buildings need maintenance; they are overcrowded because they have not been repaired; and, Mr. Speaker, I feel uncomfortable going home and saying that I voted for a search on building another institution when I cannot provide the funds to support the ones we have. That is kind of hypocritical. No; I am going to go home and say I could not support this resolution because I cannot assure you that we have the dollars to take care of the buildings that we already own and have.

So I ask my fellow colleagues here to, really, let us take a look at the need that we have without searching for another place to put dollars.

The SPEAKER. The Chair recognizes Mr. Noye.

Mr. NOYE. Thank you, Mr. Speaker.

Mr. Speaker, already we are hearing conflicts in statements on this particular issue. First Mr. Cohen told everybody, there is no cost to this study; it is not going to cost a cent, and then Mr. Wambach comes back and says, well, it is a low cost, a low cost to the House for this study. We know what the cost is in going through the mechanism of public hearings. We know those costs are built in. But the cost, the cost is going to come later, Mr. Speaker.

Think back a few months ago when we debated the question of a law university in this city. First we studied it and then we created it, and that is exactly the scenario that is planned for this whole event. Read page 1. The scenario is laid out right for you.

Any of you who represent a State-owned institution, a State-related institution, and even a private institution in your area, ask them, are they happy with the amount of State support they are getting today? No, they are not, and this is going to make it even worse. We are going through an exercise here to justify what has already been decided by a few people as to what is good for the city of Harrisburg.

I talked to the Pennsylvania Association of Commonwealth Universities, PACU. They are not interested in another school. I talked to the community college system. They think it is going to be detrimental to the community college in this town and so do the leaders of that college. I talked to Penn State out here. They are totally opposed to this.

Mr. Speaker, let us use our heads. We have a system in this State right now that, as Mr. Herman pointed out, is ranked 47th in the Nation in State aid. What are we doing even thinking about creating another institution when we are facing a \$150-million deficit? Whether the study even is affirmative or not, we are crazy to even think about doing such a thing.

I ask a negative vote.

The SPEAKER. The Chair recognizes Mr. Cohen.

Mr. COHEN. Mr. Speaker, we did not create Widener University's Harrisburg law campus. We identified a market, and

the private sector, acting independently, created that. That could well be an outcome of this, that the private sector will decide to meet a need that we identify.

This resolution, there is no conclusion that has been reached. All that has been reached is a desire to investigate and to see whether it may be a market that can be served.

While we have a shortage in money going to Pennsylvania institutions, we are subsidizing institutions in all 50 States through our PHEAA system. Why are people going to all 50 States with our subsidy of our taxpayers? Because they do not believe that there are adequate educational opportunities here in Pennsylvania.

It is not true that Penn State opposes this study. Ruth Leventhal, the head administrator of the Penn State campus in Middletown, met with both Pete Wambach and myself. She is preparing material on it. She thinks that in her judgment, there would be good reason for Penn State to expand and offer a 4-year curriculum here.

It may be, Mr. Speaker, that Pennsylvania is almost unique of all 50 States that there is no demand for an educational institution here in the State capital. But that is something that the people can have an opportunity to say. They can present reasons why we ought not merely to say, well, it has never been done before; therefore, it can never be. That kind of thinking will get us nowhere. That kind of thinking is opposed to the interests of our constituents.

I would strongly urge the passage of this resolution.

The SPEAKER. The Chair recognizes Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask the members to support the resolution for a very simple reason.

A few years ago we had a study as to whether or not Harrisburg should have a law school, and a lot of people were popping up in place and saying there was really no need for a law school in the Harrisburg area; we had one just a short distance away, and that was plenty to serve the middle part of the State. But what we see today, Mr. Speaker, is a law school that was established and has an enrollment of over 500 students, and I think that anecdote speaks for itself as to the need for this resolution simply at this point in time to study whether or not we should have a college or a university in the capital city of Pennsylvania.

I urge a "yes" vote on the resolution.

On the question recurring,

Will the House adopt the resolution as amended?

The following roll call was recorded:

YEAS—118

Acosta	Donatucci	Lucy	Ritter
Adolph	Evans	McCall	Robinson
Battisto	Fee	McHale	Roebuck
Belardi	Freeman	McNally	Rybak
Belfanti	Freind	Maiale	Saloom
Billow	Gamble	Maine	Scrimenti
Bishop	Gannon	Markosek	Smith, B.
Blaum	George	Marsico	Snyder, G.
Bortner	Gigliotti	Mayernik	Staback
Broujos	Gladeck	Melio	Steighner
Bunt	Gruitza	Michlovic	Stish
Burd	Haluska	Micozzie	Suban

Caltagirone	Hayden	Morris	Tangretti
Cappabianca	Howlett	Mrkonic	Taylor, F.
Carn	Hughes	Murphy	Telek
Cawley	Itkin	Nahill	Thomas
Chadwick	James	Olasz	Tigue
Civera	Jarolin	Oliver	Trello
Clark, B. D.	Josephs	Pesci	Trich
Cohen	Kaiser	Petrone	Van Horne
Colafella	Kasunic	Piccola	Veon
Colaizzo	Kosinski	Pievsky	Wambach
Cole	Kukovich	Pistella	Williams
Corrigan	LaGrotta	Pressmann	Wozniak
Cowell	Lashingner	Preston	Wright, D. R.
DeLuca	Laughlin	Raymond	Wright, R. C.
DeWeese	Lescovitz	Reber	Yandrisevits
Daley	Levdansky	Reinard	
Dietterick	Linton	Richardson	O'Donnell,
Dombrowski	Lloyd	Rieger	Speaker

NAYS—75

Allen	Distler	Jackson	Rudy
Angstadt	Dorr	Jadlowiec	Ryan
Argall	Fairchild	Johnson	Saurman
Barley	Fargo	Kenney	Scheetz
Birmelin	Farmer	Kondrich	Schuler
Black	Fleagle	Langtry	Semmel
Bowley	Flick	Lee	Serafini
Boyes	Fox	Leh	Smith, S. H.
Brandt	Gallen	McVerry	Snyder, D. W.
Burns	Geist	Merry	Stairs
Bush	Godshall	Moehlmann	Strittmatter
Carlson	Gruppo	Mowery	Taylor, E. Z.
Cessar	Hagarty	Nailor	Vroon
Clark, D. F.	Hasay	Noye	Wass
Clark, J. H.	Hayes	O'Brien	Weston
Clymer	Heckler	Perzel	Wilson
Coy	Herman	Phillips	Wogan
Davies	Hershey	Pitts	Wright, J. L.
Dempsey	Hess	Robbins	

NOT VOTING—2

Durham	Taylor, J.
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EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The question was determined in the affirmative, and the resolution as amended was adopted.

WELCOME

The SPEAKER. The Chair is pleased to welcome Mrs. Marjorie Lee and Bee Sims, who are the guests of Representative Ken Lee. They are to the left of the Speaker. Will the guests please rise.

CONCURRENT RESOLUTION

Mr. NAHILL called up HR 316, PN 3460, entitled:

Urging members of the Pennsylvania congressional delegation to actively pursue a review by congress of the mandatory two-year waiting period for Medicare enrollment by disabled Social Security beneficiaries with the goal of reducing or eliminating such waiting period.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—191

Acosta	Dorr	Lee	Robinson
Adolph	Evans	Leh	Roebuck
Allen	Fairchild	Lescovitz	Rudy
Angstadt	Fargo	Levdansky	Ryan
Argall	Farmer	Linton	Rybak
Barley	Fee	Lloyd	Saloom
Battisto	Fleagle	Lucyk	Saurman
Belardi	Flick	McCall	Scheetz
Belfanti	Fox	McHale	Schuler
Billow	Freeman	McNally	Scrimenti
Birmelin	Freind	McVerry	Semmel
Black	Gallen	Maiale	Serafini
Blaum	Gamble	Maine	Smith, B.
Bortner	Gannon	Markosek	Smith, S. H.
Bowley	Geist	Marsico	Snyder, D. W.
Boyes	George	Mayernik	Snyder, G.
Brandt	Gigliotti	Melio	Staback
Broujos	Gladeck	Merry	Stairs
Bunt	Godshall	Michlovic	Steighner
Burd	Gruitza	Micozzie	Stish
Burns	Gruppo	Moehlmann	Strittmatter
Bush	Hagarty	Morris	Stuban
Caltagirone	Haluska	Mowery	Tangretti
Cappabianca	Hasay	Mrkonic	Taylor, E. Z.
Carlson	Hayden	Murphy	Taylor, F.
Carn	Hayes	Nahill	Taylor, J.
Cawley	Heckler	Nailor	Telek
Cessar	Herman	Noye	Thomas
Chadwick	Hershey	O'Brien	Tigue
Civera	Hess	Olasz	Trello
Clark, B. D.	Howlett	Oliver	Trich
Clark, D. F.	Itkin	Perzel	Van Horne
Clark, J. H.	Jackson	Pesci	Veon
Clymer	Jadlowiec	Petrone	Vroon
Cohen	James	Phillips	Wambach
Colafiglia	Jarolin	Piccola	Wass
Colaizzo	Johnson	Pievsky	Weston
Cole	Josephs	Pistella	Williams
Corrigan	Kaiser	Pitts	Wilson
Cowell	Kasunic	Pressmann	Wogan
Coy	Kenney	Preston	Wozniak
DeLuca	Kondrich	Raymond	Wright, D. R.
DeWeese	Kosinski	Reber	Wright, J. L.
Daley	Kukovich	Reinard	Wright, R. C.
Davies	LaGrotta	Richardson	Yandrisevits
Dempsey	Langtry	Rieger	
Dietterick	Lashinger	Ritter	O'Donnell,
Distler	Laughlin	Robbins	Speaker
Dombrowski			

NAYS—0

NOT VOTING—4

Bishop	Donatucci	Durham	Hughes
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EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The question was determined in the affirmative, and the resolution was adopted.

Ordered, That the clerk present the same to the Senate for concurrence.

BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 1604, PN 1883**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for the time when specimen ballots are to be made available.

On the question,

Will the House agree to the bill on third consideration?

Mr. BORTNER offered the following amendments No. A0696:

Amend Title, page 1, line 11, by inserting after "elections," further providing for filing fees; and

Amend Bill, page 1, by inserting between lines 14 and 15

Section 1. Section 913(b.1) of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, amended February 13, 1989 (P.L.1, No.1), is amended to read:

Section 913. Place and Time of Filing Nomination Petitions; Filing Fees.—***

(b.1) Each person filing any nomination petition shall pay for each petition, at the time of filing, a filing fee to be determined as follows, and no nomination petition shall be accepted or filed, unless and until such filing fee is paid by a certified check or money order or also by cash when filed with the county board. All moneys paid on account of filing fees shall be transmitted by the county board to the county treasurer and shall become part of the General Fund. Certified checks or money orders in payment of filing fees shall be made payable to the Commonwealth of Pennsylvania or to the county, as the case may be, and shall be transmitted to the State Treasurer or to the county treasurer and shall become part of the General Fund.

1. If for the office of President of the United States, or for any public office to be filled by the electors of the State at large, the sum of two hundred dollars (\$200.00).

2. If for the office of Representative in Congress, the sum of one hundred fifty dollars (\$150.00).

3. If for the office of judge of a court of record, excepting judges to be voted for by the electors of the State at large, the sum of one hundred dollars (\$100.00).

4. If for the offices of Senator or Representative in the General Assembly, for any office to be filled by the electors of an entire county, for the office of district councilman in a city of the first class and for any office other than school district office to be filled by the electors of an entire city [other than school district office], the sum of one hundred dollars (\$100.00)[.], except as provided in paragraph 4.1.

4.1. If for nonschool board offices for any third class city official, the sum of twenty-five dollars (\$25.00).

5. If for any borough, town, or township of the first class, not otherwise provided for, the sum of five dollars (\$5.00).

6. If for the office of delegate or alternate delegate to National party convention, or member of National committee or member of State committee, the sum of twenty-five dollars (\$25.00).

7. If for the office of constable, the sum of ten dollars (\$10.00).

8. If for the office of district councilman in a city of the second class or the office of district justice, the sum of fifty dollars (\$50.00).

Amend Sec. 1, page 1, line 15, by striking out "1" and inserting

Amend Sec. 1, page 1, lines 15 and 16, by striking out "of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code,"

Amend Sec. 2, page 2, line 25, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendments?

The SPEAKER. On the amendment, the Chair recognizes Mr. Bortner.

Mr. BORTNER. Thank you, Mr. Speaker.

This is a very simple amendment that is designed to correct what I think was an oversight when the House made some changes to the Election Code several years ago. At that time we changed the number of signatures that were required for petitions. We also changed some filing fees, and at that time we changed the filing fees for all cities to \$100 - Philadelphia, Pittsburgh, as well as all other third-class cities.

What we have now is a situation where in a lot of third-class cities, many of which are rather small and in many of which the council members serve for very, very small salaries, they have a \$100 filing fee. As I said, that is the same filing fee that exists in a first-class city, such as Philadelphia, where the council members are paid \$40,000.

Recently when we changed the system of electing council people in Pittsburgh to a district election system—and I think Representative Preston can confirm this—we changed the fees in Pittsburgh to \$50 to file for city council. What I would like to do is make the filing fees for third-class cities, like the city I represent, York, and many other smaller cities, more in line with the compensation that is paid to people that serve as council members. I am setting that as \$25, and I think that that is a reasonable figure that covers the cost of administering the filing of petitions yet does not discourage people from running for these positions. I think we have a hard enough time getting people to serve at local government without putting a financial impediment in front of them as well.

So I would urge support of all the members on this amendment. Thank you.

The SPEAKER. The Chair recognizes Mr. Battisto.

Mr. BATTISTO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment seems to make sense, and I certainly support it. Thank you.

The SPEAKER. The Chair recognizes Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

I, too, urge the members' support for this amendment.

In my legislative district where I represent 16 municipalities, I represent a township with over 14,000 people living in that township, and in a third-class city that I represent there are over 7,000 people living in that third-class city. The filing fee for the third-class city is \$100, and in the township that I represent, the filing fee for that township is zero.

I shared with you this example and I shared with the members this example to show them the disparity in population as it relates to the filing fee, and I also want to share with them the disparity in the salaries as it relates to these municipalities and to the filing fee.

The salary for a township supervisor in this one particular township is, say, \$28,000 for a full-time township supervisor, whereas the mayor in the third-class city is paid \$1,200. There is a disparity there in the population and a disparity in their salaries, and I urge the members' support on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—193

Acosta	Dombrowski	Lashinger	Robinson
Adolph	Donatucci	Laughlin	Roebuck
Allen	Dorr	Lee	Rudy
Angstadt	Evans	Leh	Ryan
Argall	Fairchild	Lescovitz	Rybak
Barley	Fargo	Levdansky	Saloom
Battisto	Färmer	Linton	Saurman
Belardi	Fee	Lloyd	Scheetz
Belfanti	Fleagle	Lucyk	Schuler
Billow	Flick	McCall	Scrimenti
Birmelin	Fox	McHale	Semmel
Bishop	Freeman	McNally	Serafini
Black	Freind	McVerry	Smith, B.
Blaum	Gallen	Maiale	Smith, S. H.
Bortner	Gamble	Maine	Snyder, D. W.
Bowley	Gannon	Markosek	Snyder, G.
Boyes	Geist	Marsico	Staback
Brandt	George	Mayernik	Stairs
Broujos	Gigliotti	Merry	Steighner
Bunt	Gladeck	Michlovic	Stish
Burd	Godshall	Micozzie	Strittmatter
Burns	Gruitza	Moehlmann	Stuban
Bush	Gruppo	Morris	Tangretti
Caltagirone	Hagarty	Mowery	Taylor, E. Z.
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hasay	Murphy	Taylor, J.
Carn	Hayden	Nahill	Telek
Cawley	Hayes	Nailor	Thomas
Cessar	Heckler	Noye	Tigue
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark, B. D.	Hess	Oliver	Van Horne
Clark, D. F.	Howlett	Perzel	Veon
Clark, J. H.	Hughes	Pesci	Vroon
Clymer	Itkin	Petrone	Wambach
Cohen	Jackson	Phillips	Wass
Colafiglia	Jadlowiec	Piccola	Weston
Colaizzo	James	Pievsky	Williams
Cole	Jarolin	Pistella	Wilson
Corrigan	Johnson	Pitts	Wogan
Cowell	Josephs	Pressmann	Wozniak
Coy	Kaiser	Preston	Wright, D. R.
DeLuca	Kasunic	Raymond	Wright, J. L.
DeWeese	Kenney	Reber	Wright, R. C.
Daley	Kondrich	Reinard	Yandrisevits
Davies	Kosinski	Richardson	
Dempsey	Kukovich	Rieger	O'Donnell,
Dieterick	LaGrotta	Ritter	Speaker
Distler	Langtry	Robbins	

NAYS—0

NOT VOTING—2

Durham Melio

EXCUSED—6

Cornell Foster Miller Petarca
Dininni Harper

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

Will the House agree to the bill on third consideration as amended?

Bill as amended was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—194

Acosta	Dombrowski	Lashingier	Robbins
Adolph	Donatucci	Laughlin	Robinson
Allen	Dorr	Lee	Roebuck
Angstadt	Evans	Leh	Rudy
Argall	Fairchild	Lescovitz	Ryan
Barley	Fargo	Levdansky	Rybak
Battisto	Farmer	Linton	Saloom
Belardi	Fee	Lloyd	Saurman
Belfanti	Fleagle	Lucyk	Scheetz
Billow	Flick	McCall	Schuler
Birmelin	Fox	McHale	Scrimenti
Bishop	Freeman	McNally	Semmel
Black	Freind	McVerry	Serafini
Blaum	Gallen	Maiale	Smith, B.
Bortner	Gamble	Maine	Smith, S. H.
Bowley	Gannon	Markosek	Snyder, D. W.
Boyes	Geist	Marsico	Snyder, G.
Brandt	George	Mayernik	Staback
Broujos	Gigliotti	Melio	Stairs
Bunt	Gladeck	Merry	Steighner
Burd	Godshall	Michlovic	Stish
Burns	Gruitza	Micozzie	Strittmatter
Bush	Gruppo	Moehlmann	Suban
Caltagirone	Hagarty	Morris	Tangretti
Cappabianca	Haluska	Mowery	Taylor, E. Z.
Carlson	Hasay	Mrkonic	Taylor, F.
Carn	Hayden	Murphy	Taylor, J.
Cawley	Nahill	Nahill	Telek
Cessar	Heckler	Naylor	Thomas
Chadwick	Herman	Noye	Tigue
Civera	Hershey	O'Brien	Trello
Clark, B. D.	Hess	Olasz	Trich
Clark, D. F.	Howlett	Oliver	Van Horne
Clark, J. H.	Hughes	Perzel	Veon
Clymer	Itkin	Pesci	Vroon
Cohen	Jackson	Petrone	Wambach
Colaifella	Jadlowiec	Phillips	Wass
Colaizzo	James	Piccola	Weston
Cole	Jarolin	Pievsky	Williams
Corrigan	Johnson	Pistella	Wilson
Cowell	Josephs	Pitts	Wogan
Coy	Kaiser	Pressmann	Wozniak
DeLuca	Kasunic	Preston	Wright, D. R.
DeWeese	Kenney	Raymond	Wright, J. L.
Daley	Kondrich	Reber	Wright, R. C.
Davies	Kosinski	Reinard	Yandrisevits
Dempsey	Kukovich	Richardson	
Dietterick	LaGrotta	Rieger	O'Donnell,
Distler	Langtry	Ritter	Speaker

NAYS—0

NOT VOTING—1

Durham

EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

* * *

The House proceeded to third consideration of **HB 2428, PN 3319**, entitled:

An Act amending the act of June 3, 1937 (P. L. 1333, No. 320), known as the "Pennsylvania Election Code," further providing for absentee ballots for permanently disabled electors.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—192

Acosta	Dombrowski	Lashingier	Robinson
Adolph	Donatucci	Laughlin	Roebuck
Allen	Dorr	Lee	Rudy
Angstadt	Evans	Leh	Ryan
Argall	Fairchild	Lescovitz	Rybak
Barley	Fargo	Levdansky	Saloom
Battisto	Farmer	Linton	Saurman
Belardi	Fee	Lloyd	Scheetz
Belfanti	Fleagle	Lucyk	Schuler
Billow	Flick	McCall	Scrimenti
Birmelin	Fox	McHale	Semmel
Bishop	Freeman	McNally	Serafini
Black	Freind	McVerry	Smith, B.
Blaum	Gallen	Maiale	Smith, S. H.
Bortner	Gamble	Maine	Snyder, D. W.
Bowley	Gannon	Markosek	Snyder, G.
Boyes	Geist	Marsico	Staback
Brandt	George	Mayernik	Stairs
Broujos	Gigliotti	Melio	Steighner
Bunt	Gladeck	Merry	Stish
Burd	Godshall	Michlovic	Strittmatter
Burns	Gruitza	Micozzie	Suban
Bush	Gruppo	Morris	Tangretti
Caltagirone	Hagarty	Mowery	Taylor, E. Z.
Cappabianca	Haluska	Mrkonic	Taylor, F.
Carlson	Hasay	Murphy	Taylor, J.
Carn	Hayden	Nahill	Telek
Cawley	Hayes	Naylor	Thomas
Cessar	Heckler	Noye	Tigue
Chadwick	Herman	O'Brien	Trello
Civera	Hershey	Olasz	Trich
Clark, B. D.	Hess	Oliver	Van Horne
Clark, D. F.	Howlett	Perzel	Veon
Clark, J. H.	Hughes	Pesci	Vroon
Clymer	Itkin	Petrone	Wambach
Cohen	Jackson	Phillips	Wass
Colaifella	Jadlowiec	Piccola	Weston
Colaizzo	James	Pievsky	Williams
Cole	Jarolin	Pistella	Wilson
Corrigan	Johnson	Pitts	Wogan
Cowell	Josephs	Pressmann	Wozniak
Coy	Kaiser	Preston	Wright, D. R.

DeLuca	Kasunic	Raymond	Wright, J. L.
DeWeese	Kenney	Reber	Wright, R. C.
Daley	Kondrich	Reinard	Yandrisevits
Davies	Kosinski	Rieger	
Dempsey	Kukovich	Ritter	O'Donnell,
Dietterick	LaGrotta	Robbins	Speaker
Distler	Langtry		

NAYS—0

NOT VOTING—3

Durham	Moehlmann	Richardson
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EXCUSED—6

Cornell	Foster	Miller	Petrarca
Dininni	Harper		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

Ordered, That the clerk present the same to the Senate for concurrence.

INTERROGATION

The SPEAKER. The Chair recognizes the minority leader under unanimous consent, who requests the opportunity to interrogate the gentleman, Mr. Cowell.

The gentleman, Mr. Cowell, indicates he is willing to be interrogated. The gentleman, Mr. Ryan, may proceed.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, this is a little bit unusual, and frankly, I was not sure exactly how it should be handled. A resolution came over from the Senate, which I know is in the possession of the House, because the Senate has advised me that they have a receipt for it having come over here. It was not read across the desk nor are you required to read it across the desk today. The purpose of my asking Mr. Cowell to be interrogated is to ask him, really, if he is familiar with this resolution; if he has recommendations as to what should be done with such a resolution; if he has any idea as to the costs of these programs.

Now, if I may, Mr. Speaker, and I am going to ask the gentleman, Mr. Cowell, who has superior knowledge in this area than I, to correct me if I am wrong, but my understanding is that the State Board of Education has passed a new regulation affecting special ed, that the effect of it is, by estimates I have heard, an increased cost of several hundreds of millions of dollars, which, I am told, will be borne by the State under existing law, and that this regulation has been twice rejected by IRRC (Independent Regulatory Review Commission), has been rejected by the State Senate, and the resolution, which could reject it for sure and do away with the regulation, is sitting in the possession of the hands of the Speaker. Is this essentially the situation, Mr. Speaker?

Mr. COWELL. Mr. Speaker, the minority leader has accurately touched on a number of points, but there are a number of other gaps to be filled in as well.

I would question the dollar figure that was suggested. Early in this process of the State Board promulgating regs and standards, there were numbers thrown about of hundreds of millions of dollars. I think that a lot of those numbers have been

fine-tuned now. We have also, through the legislative review process, we have been able to focus on really three issues that have remained in dispute and are currently the subject of or shortly will be the subject of legislation, and I hope there will be legislative remedies to those issues.

But the gentleman is accurate in that the State Board has promulgated regulations and standards. He is accurate— He did not say that that was pursuant to Act 43 where we told the State Board to do something with regs and standards. He is accurate that they were twice rejected by IRRC. He failed to say that they were also twice rejected by our House and Senate Education Committees, and in the case of the House committee, it was a unanimous rejection on both occasions, and in both of those instances we identified three specific reasons why we objected to the regulations and standards.

And the gentleman is correct when he suggests that yesterday the Senate did pass a concurrent resolution, which was in its possession for the last 2 months, and sent that to us this morning on the last day, the last potential day when that kind of resolution could be considered by the House of Representatives.

Mr. RYAN. Mr. Speaker, if that resolution were on the floor of the House today for action, would it be your recommendation, having twice rejected it—and I assume that you were one of the moving parties in rejecting it when it was in the House committee—would it be your recommendation that we once again reject it as the Senate rejected it, as the House committee rejected it, as the Senate committee rejected it, and as IRRC rejected it?

Mr. COWELL. That is a hypothetical question, because—

Mr. RYAN. Well, it might not be.

Mr. COWELL. It is at this point a hypothetical question, because the resolution is not before this chamber. At this point, my recommendation is the same thing that I have been saying publicly and have said in our Education Committees for the last 2 months and essentially what certain legislative leaders in the Senate had agreed to until yesterday evening, and that is, with respect to the three issues where there continues to be controversy, we can most effectively deal with those three issues through legislation. Those three issues are early intervention, and we are dealing with HB 1861; it is the individual transition plan legislation, and we are dealing with that through SB 927; and it is the instructional support team legislation, which Senator Hess, I understand, is going to be introducing this week.

If I may, Mr. Speaker, let me summarize where we are by quoting from a legislative report that was given to the State Board of Education 2 weeks ago. In that legislative report—and I have a verbatim transcript of the report—Senator Hess said to the State Board:

As many of you know the resolution negating the recently passed special education regulations and standards is on the Senate calendar. It is this individual's hope that that never has to be called up.

This was Senator Hess, the Republican chairman of the Senate Education Committee speaking.

It is this individual's hope that that never has to be called up. We either have 10 legislative days or 30 calendar days. If you just heard - or reading between the lines, you heard Ron—

speaking of Ron Cowell—

talk about two pieces of the three-piece puzzle which there is some disagreement between the legislative branch and the State Board as a whole. If those two pieces arrive at the Senate—

and we are talking about the early intervention and the individual transition plan legislation—

If those two pieces arrive at the Senate (and Ron and I met yesterday) I will do everything in my power to see that they are brought to the floor and receive passage by June the 30th. The other issue that our committee—

this is the Senate Education Committee—

is looking at is the third and the stickiest issue which we're hearing from our constituency is the ISTs or the Instructional Support Teams.

Those are the three issues in dispute. Those are the three issues that are the subject of legislation. Those are the three issues that, regardless of what we do with the resolution, can only appropriately be addressed through legislation. And let me further note, if we did nothing, if we did nothing on the concurrent resolution and if we did nothing on these legislative items, they would have absolutely no effect on school district budgets for the 1990-91 school year.

Early intervention regulations have a trigger date of July 1 of 1991. The individual-transition-plan language in the State Board regs has a trigger date that says whenever the legislature passes legislation, and the IST language in the regulations pertains only to school districts that participate on a voluntary basis during 1990-91. So there would be no impact, even if we did nothing, there would be no impact in those three issue areas, which are the issues of dispute. There would be no impact on State or local budgets for 1990-91 with the exception that Governor Casey has asked for I believe it is \$5 million to fund training programs for the instructional support teams. And that is, I suggest, a decision that we ultimately will make at budget time.

Until yesterday evening, I think members of both chambers were proceeding with the understanding that we would in a timely fashion, prior to June 30 of 1990, address these three points of contention, and we would address them legislatively and we would finally put those issues to bed once and for all.

Mr. RYAN. Mr. Speaker, I wonder if the gentleman could address this small question: I received here a letter from an intermediate unit, and it says, "The purpose of this effort is to draw attention to the serious fiscal consequences local districts will face if the proposed changes in special education regulations and standards, as well as the proposed new funding formula...are implemented."

Now, I confess I do not understand exactly what is happening here, and I am frankly a little amazed by all of this. If we do not act today, we cannot do what Mr. Cowell has twice

attempted to do, what the Senate has twice attempted to do, what the IRRC oversight regulators have attempted to do, and we are sitting here with the rejection resolution on the Speaker's desk which has not been read, and yet we are all sitting here saying it really should have been rejected because twice we have tried to reject it. I do not understand what this game of fiscal fakery is all about. I really wish I understood it so I could be critical or praiseworthy of it.

Why are we holding up something—and that something is this resolution that came over from the Senate—why are we not reading it? Why are we not acting on it when it is the same thing that you have advocated, you and your committee, bipartisan, have twice advocated be rejected; IRRC has twice advocated be rejected? The Senate committee and the Senate as a whole have twice advocated that it be rejected. I just do not understand this.

Mr. COWELL. Mr. Speaker, if you will bear with me with a little bit more of an explanation.

Yesterday in the Senate debate, Senator Hess, and I believe other members of both parties, suggested that 97 percent—and this is their figure—97 percent of the proposed regulations and standards are noncontroversial and in fact are very supportable. They do things like ban corporal punishment for special ed kids. They do things like say you cannot put special ed kids in boxes as a temporary holding measure. They do require more timely information to be submitted by school districts in terms of fiscal plans related to special education. So 97 percent of it is noncontroversial.

If we would enact the resolution, we would kill—we would kill—all of the proposed regulations and standards and there would be no other recourse except to start over, which probably would be a 12- or 18-month process to go through the regular regulation-making process.

What our committee did—and the Senate was pretty much on line with this, the Senate Education Committee—we focused on particular reasons why the regulations should be disapproved at that part of the process. We were trying to persuade the State Board to change its language in the area of early intervention, individual transition plans, and instructional support teams. They have failed to do that, despite the fact that I think the legislature has spoken with unanimity that those were inappropriate. In fact, I am aware of only one member of this House who has in a public way said he supported those regulations and standards as they are. Mr. Speaker, that was a member of your caucus, not of our caucus, and I have the letter that he sent to the State Board before me, which I will not read at this point. But every member of this Democratic Caucus and all but one member of the Republican Caucus that I am aware of has had a common position on this issue.

On these three issues, Mr. Speaker, the question is, do we want to kill all of the regulations to deal with these three issues which will not be effective until July 1 of 1991 unless we do something legislatively sooner, or do we want to do what I think is more prudent and what we have spoken about doing all along, and that is to deal with each of those three issues in

a statutory sense. And when we do something statutorily, we always supersede any regulation, and we are already in a position where two of these issues are the subject of active legislation. HB 1861 is now in the Appropriations Committee, SB 927 is already in the House Appropriations Committee, and Senator Hess is about to introduce his language dealing with instructional support teams. All of those issues will come together at budget time. They have nothing to do, however, Mr. Speaker, with the final point that you raised and which intermediate units and school directors, I think, are properly concerned about, and that is the issue of going from excess cost funding to formula funding for special education. That is what we heard a lot about yesterday. That is an important issue; it is a special ed issue, but it is not addressed in the form of the regulations and standards.

Mr. RYAN. Mr. Speaker, I am told that many dollars are involved in the adoption of these regulations. Granted, some of it takes place in 1991, but there is also a good deal that takes place in 1990. Under the law today, as I understand it, that expense is borne by the Commonwealth of Pennsylvania. The Secretary of Education, Donald Carroll, stated that the special ed fund is bankrupt. We know what has happened with special ed reimbursements. Last year we finally got around to paying them, and again we have got another \$85-million deficit. Who is going to pay the local school districts for additional classrooms and additional teachers in this coming year? Do we have any numbers on it? We do not have a fiscal note on this thing. We have no idea what the costs are. Can you tell us the costs?

Mr. Speaker, you are so thorough that you go on a long time and I lose track of what you are saying. If you would be good enough just to give me some numbers, I would appreciate it.

Mr. COWELL. Mr. Speaker, there was a fiscal analysis published in the Pennsylvania Bulletin at the time these regulations and standards were originally published, and there was additional information made available to Representative Davies, who is a member of the State Board from your caucus, as well as my office, as well as anybody else who inquired. The estimate, the fiscal analysis that was generated by the Department of Education and approved by the Budget Office, spoke about a need for the \$5 million in 1990-91 to support the training expenses and related expenses thereto for the instructional-support-team issue. They also spoke of a modest sum, and I want to say it is about \$5 or \$6 million, that would be a cost to the districts because of disallowances, new rules, if you will, where certain expenditures approved in the past would no longer be legitimate reimbursable expenses. That is the fiscal analysis that was presented as part of the publication in the Pennsylvania Bulletin.

Let me also note that the analysis did project out for 5 years and again focused primarily on the costs related to the instructional-support-team issue, and if I remember correctly, anticipated that over a 5-year period, the additional costs for instructional support teams would be approximately \$70 million, total, over those 5 years.

I would emphasize that the IST issue is one of the controversial points, is the subject of Senator Hess' legislation, and I think will be finally addressed when we pass the budget.

Mr. RYAN. Mr. Speaker, I thank the gentleman. He has been very courteous.

There are several of my members who have come up to me, you may have noticed, asking me to ask the gentleman questions. I would rather they do that themselves, and if it is permissible in that I have unanimous consent, I would like the lady, Mrs. Taylor, to have an opportunity to discuss this with the gentleman, Mr. Cowell.

The SPEAKER. The Chair is reluctant to extend unanimous consent beyond the leadership, particularly on a subject that is not before the House.

Will the lady suspend for one moment? Will the gentleman approach the podium.

(Conference held at Speaker's podium.)

The SPEAKER. For the information of the members, it is the inclination of the Chair, with the permission of the House, to return to this issue at a subsequent time this afternoon.

The Chair's inclination at this point is to move to other items of business, and anyone seeking unanimous consent for any purpose should seek recognition at the conclusion of the rest of our business.

There are no further votes to be done today.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Pievsky, for an announcement.

Mr. PIEVSKY. Mr. Speaker, there will be a brief meeting at the rear of the chamber of the House Appropriations Committee.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. ITKIN

The SPEAKER. The Chair recognizes Mr. Itkin.

Mr. ITKIN. Mr. Speaker, before the members leave the floor of the House, today I will be introducing a piece of legislation that some of you may like to cosponsor with me.

This is legislation that would require pharmaceutical manufacturers who do business in Pennsylvania to give Pennsylvania Government, under the medicaid and PACE programs, the similar discounts that they provide for large-volume purchasers.

The SPEAKER. The Chair thanks the gentleman.

That legislation is available for signature.

ANNOUNCEMENT BY MR. HERSHEY

The SPEAKER. The Chair recognizes Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker. I want to make an announcement.

I wish to make an announcement concerning the Commonwealth Prayer Breakfast, Tuesday, June 5, 7:30 to 9:30 in the

morning at the Sheraton East. The speaker is the Reverend Peter Marshall from Boston, Massachusetts. For tickets, call Representative Noye's office and ask for Peggy Sieg.

We in the Commonwealth like to once a year set aside a day for the Commonwealth leaders, to ask God's guidance on the leaders in the Commonwealth, and we urge the members to attend. Thank you very much.

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the lady, Mrs. Wilson.

Mrs. WILSON. Mr. Speaker, my switch malfunctioned on three House resolutions - 309, 311, and 319. I wish to be recorded in the affirmative. Thank you.

The SPEAKER. The remarks of the lady will be spread upon the record.

The Chair recognizes Mr. Melio.

Mr. MELIO. Mr. Speaker, I just want to correct the record on HB 1604, amendment 0696. I wish to be recorded in the affirmative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Rybak.

Mr. RYBAK. Mr. Speaker, when HR 311 was called, I voted in the affirmative. When I checked the roll call, I found it was not registered. I would like to correct the record and have me voted in the affirmative. Thank you.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Wozniak.

Mr. WOZNIAK. Thank you, Mr. Speaker. To correct the record.

Yesterday I missed the vote on amendment A1536, the Hayden amendment to SB 1067, and I would have liked to have been voted in the affirmative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

The Chair recognizes Mr. Gamble.

Mr. GAMBLE. Mr. Speaker, my switch malfunctioned. I would like to be recorded in the affirmative on HR 319.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Heckler.

Mr. HECKLER. Thank you, Mr. Speaker.

On HR 309, my switch malfunctioned. I would ask to be recorded in the affirmative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes the lady, Mrs. Langtry.

Mrs. LANGTRY. Mr. Speaker, I would like your leave to make a statement.

The SPEAKER. Would the lady suspend for one moment, please.

The Chair recognizes the gentleman, Mr. Clark.

Mr. J. H. CLARK. Thank you, Mr. Speaker.

Mr. Speaker, due to a switch malfunction, I was locked out of several early votes. If the Speaker prefers, I can bring these to the rostrum to be spread on the record or I could read them out now.

The SPEAKER. If the gentleman will send them to the desk, they will be included in the record.

Mr. J. H. CLARK. Thank you, Mr. Speaker.

Mr. J. H. CLARK submitted the following list:

HB 64 - affirmative;
 HB 1744 - affirmative;
 HB 820, concurrence in Senate amendments - affirmative;
 HB 1139 - negative;
 HR 309 - affirmative; and
 HR 311 - affirmative.

The SPEAKER. The Chair recognizes Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

On HB 1139, my vote was not recorded. I would like to be recorded in the negative. And on HR 309 and HR 311, my vote was also not included. I would like to be recorded in the affirmative on both. Thank you, Mr. Speaker.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Staback, who asks to be recorded in the affirmative on the final passage of HB 1744.

The Chair now recognizes the gentleman, Mr. David Wright, who requests that the record reflect an affirmative vote by him on the final passage of HB 1744.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2350, PN 3162

By Rep. PIEVSKY

A Supplement to the act of June 12, 1931 (P. L. 575, No. 200), entitled, "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," authorizing certain projects of the Delaware River Port Authority pursuant to Article XII of the Compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Port Authority.

APPROPRIATIONS.

HB 2492, PN 3416

By Rep. COLE

An Act amending the act of July 11, 1985 (P. L. 209, No. 54), entitled "An act authorizing the incurring of debt for the purpose of financing the Federal share of construction of interstate highways," further providing for the power to incur debt.

FEDERAL-STATE RELATIONS.

BILLS REREPORTED FROM COMMITTEE**HB 1921, PN 2478** By Rep. PIEVSKY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining the term "street rod."

APPROPRIATIONS.

HB 2293, PN 3270 By Rep. PIEVSKY

An Act providing for the establishment of a Timber Bridge Program within the Department of Transportation.

APPROPRIATIONS.

HB 2334, PN 3566 (Amended)

By Rep. PIEVSKY

An Act amending the act of June 30, 1981 (P. L. 128, No. 43), known as the "Agricultural Area Security Law," further providing for agricultural conservation easements; further defining the term "agricultural conservation easement"; and further providing for the allocations of State moneys.

APPROPRIATIONS.

BILLS ON SECOND CONSIDERATION

The following bills, having been called up, were considered for the second time and agreed to, and ordered transcribed for third consideration:

HB 1921, PN 2478; HB 2293, PN 3270; and HB 2334, PN 3566.**VOTE CORRECTIONS**

The SPEAKER. Are there any other corrections of the record?

The Chair recognizes the gentleman, Mr. Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to be recorded in the affirmative on HB 1744.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

The Chair recognizes Mr. Cole.

Mr. COLE. Mr. Speaker, I would like to be recorded in the affirmative on HB 1604 and HB 1744.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

STATEMENT BY MRS. TAYLOR

The SPEAKER. Is there anyone seeking recognition to speak under unanimous consent?

Mrs. TAYLOR. Yes, Mr. Speaker.

The SPEAKER. The Chair recognizes the lady, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, I think the minority leader presented the case very clearly, because today here in the House of Representatives we did have an opportunity to consider this critical matter and that of funding special education. Many of us—and I am one—are outspoken advocates for special education, but we are also Representatives that must be attentive to and responsible for the funding of special education.

Very recently in Chester County, the Chester County delegation met with those interested in special education, the advocates as well as the taxpaying citizens, the school board members, and everyone - the parents and some special education students - to hear just exactly what they had to say about these regs and these standards.

We heard very clearly from Representative Cowell this morning that there would be no local costs on the three areas that he talked about, those being the IST, the early intervention, and the individual transition program. But he did not tell us what the costs would be for the rest of those standards and regulations, and I refer now to the new time lines; I refer to the age differential; I refer to the class size; the IEP (individualized education plan) meetings. All of these, I am told by local officials, will be quite costly.

We must remember that when we passed Act 43, the language in that act did not encourage or authorize the State Board of Education to implement new and costly initiatives without the proper legislative debate and authorization, and I think it behooves every member of this House to realize that they did have an opportunity to speak through their membership on the Education Committee, and that twice we responded in the negative on behalf of this House. But the members of the House have not had an opportunity to debate this issue themselves, to consider and to know just what the costs of this program will be.

Many of us will say, yes, there are very fine things in the regulations and standards, but the basic question is, how are we going to pay for them and who is going to pay for them? We can no longer lay this costly program on the backs of our senior citizens, our local property owners, and that, my friends, is exactly where it is going to be.

So while we will not be paying for those three very important initiatives in the standards referred to by Representative Cowell, we would like to have an accounting of just how much all the rest of these standards and regulations will cost our school districts. We, in Chester County at least, heard from our people and we heard that they would be very costly.

I appreciate this opportunity to put the remarks on the record.

STATEMENT BY MRS. LANGTRY

The SPEAKER. The Chair recognizes Mrs. Langtry.

Mrs. LANGTRY. Thank you, Mr. Speaker.

I, too, am very concerned about the costs of the proposed new regs and standards in combination with the proposed funding formula for special ed. Essentially what I am saying is that we are probably going to see severe tax increases at the local levels to pay for these programs, and that is going to be shifted by this administration. And I think this is going to affect almost every one of our school districts; it is going to be substantial, and I hope everybody in this body understands that the resolution that we were not able to deal with today would have blocked the implementation of those regulations and standards that would cause these cost increases at the

local level. Today was the last day that we could have acted, and now the regs and standards go into effect.

When we passed Act 43, special education, we were trying to deal with escalating costs. We directed the State Board to revise the chapters to reduce those costs or to provide prudent management, fiscal responsibility, and continuation of services. Instead, what we received from the administration was significantly expanded programs and costs that are going to be probably passed on to our local property taxpayers.

As a member of the Education Committee, I have been unable to learn from the department or the board the projected cost increases not only statewide but in my district. My question to Representative Cowell and other members who are here is, how much are these regs and standards going to cost your school district? How much are they going to cost statewide? A very earlier estimate, which has probably been changed at this point, talked about \$250 million, and that did not include new facilities. I was not sure about the transportation costs. In Allegheny County, it is probably some \$20 million, and in my district, at least 5 mills of taxation, and that is based on the final regs and standards.

We have already mentioned that previously the House, Senate, and IRRC recommended disapproval of the regs and standards, and now we have let the regs and standards be passed, I think, by default, because the issue was not brought before this House and we were not given the opportunity to have a vote on possible cost transfers to our local taxpayers. I regret that very much.

I just hope everybody understands once again that while we do not know the exact numbers—and I was very interested to hear Representative Cowell say that the numbers have been fine-tuned—I would like to know what the numbers are. We have not been able to get them from day one from the administration. Thank you, Mr. Speaker.

STATEMENT BY MR. DAVIES

The SPEAKER. The Chair recognizes Mr. Davies.
Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, I have been part of this process from day one, and I still have some legitimate concerns that have never been answered as I posed them to the State Board two times in the deliberations. As a member of the Education Committee and a member of this House, I could not vote on their deliberations, but I did inject the question about the building costs alone, something that we have not addressed in all of our deliberations back and forth with the statements to the board and the concerns to IRRC in this entire process. It is not really a hidden cost because it is part and parcel of the standards and regs, and until we get a handle on it, we have some ideas of just where the funding is going to come from, and we have not addressed that funding stream, whether it is going to be a State responsibility or a local school district's responsibility, but in the process of the 5 years in which this is going to be implemented, it is going to be a real cost, and it has to be dealt with.

I just want to say that someplace along the line we are going to have to get a handle on all of those direct costs as well as any of those hidden costs that will be part and parcel of the adoption of these rules and regulations. I think that we have to be up front no matter where we— Whether we do it in the budget process or wherever we do it, we are going to have to address this before we come to the conclusion of that budget process this year, and I just wanted to express that concern about that particular cost and any other costs that we have not addressed. Thank you.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. DeWEESE. Mr. Speaker, I move that HB's 2515 through 2555, inclusive, be recommitted to the Appropriations Committee.

On the question,

Will the House agree to the motion?

Motion was agreed to.

STATEMENT BY MR. COWELL

The SPEAKER. Is the gentleman, Mr. Cowell, seeking recognition?

Mr. COWELL. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized and may proceed.

Mr. COWELL. Thank you, Mr. Speaker. Just to clarify a couple points for the record, and I know that we are speaking for the record today.

It was suggested by a previous speaker that with respect to the proposed regulations and standards, we have missed an opportunity to block them and that now they will go into effect. We have not foreclosed all of our opportunities to affect the language in the regulations and standards. What we have chosen not to do is to, in a blanket way, disapprove 100 percent of the regulations and standards, 97 percent of which everybody has admitted are without controversy and are very supportable and very decent. Those are the kinds of things that I suggested earlier - that will prohibit the use of corporal punishment for handicapped children; that will prohibit putting handicapped kids in a box, which has been a form of punishment or a form of control in some of our school districts; regulations that will require school districts to submit special education funding information in a more timely fashion. Those kinds of things will be a part of the 100 percent that can go into effect and that we have no concern about and that we have no desire to block for a 12- or 18-month period.

On those items where we have concerns - whether it is just the three items that I mentioned, which have been the subject of comment by the House and Senate Education Committees, or whether it is something else that somebody wants to drum up today - any of those items of concern can be addressed by this legislature before the regulations and standards go into effect.

Most of the regulations and standards are scheduled to take effect July 1 of 1990; nothing before that date. Some of the most controversial sections are scheduled to take effect in July of 1991 or thereafter. The point is, this legislature will have plenty of time between now and the end of June to address any and all of those issues. If we do anything statutorily, it will supersede any of those regulations and standards.

It is certainly our intent—and it is a bipartisan intent, shared by members of the Senate as well—that we will speak to early intervention in the form of a separate bill and speak to individual transition plans in a separate bill and, most likely, speak to instructional support teams in a separate bill. Whatever we say in those laws will supersede anything that is in the regulations and standards, and if any member of this legislature and certainly if a majority of the members of this House wish to supersede any other section of the regulations and standards scheduled to take effect July 1, they have 6 weeks, during which time they can work together to bring about legislation to supersede those regs and standards.

We certainly will have School Code bills on our calendar during the remaining weeks of May and on through June. That will be an opportunity, if somebody really wants to say we want to override the regulation that says you cannot use corporal punishment for special-needs kids, they can offer an amendment to supersede that. I really do not think that that is what they have in mind, though. I think that they want a more targeted approach, and that is what is not facilitated by a blanket disapproval of the regs and standards. That targeted approach, that targeted overriding, is what can be facilitated by the use of statutes, and that is our intent.

We will address these issues during the next 6 weeks. We will address them in the proper context of the budget debate. We will address them even as we consider the issue that was raised by a previous speaker, and that is the proposed change in law where we would change the basis for special education funding from excess cost to formula funding. The previous speaker, Representative Langtry, said that this administration will do it to them. No; this legislature would have to do it. If we are going to change the method by which we fund special education, if we are going to move away from excess cost and go to formula funding or anything else other than excess cost, it will take a change in the law, a change in the law that would have to be approved by the legislature, not just by the Governor.

So we have a great deal of power over what this debate is going to be about during the next 6 weeks, and we ultimately will have the final word on what regulations and standards will be allowed to stand and what the funding mechanisms will be. We are entering a very important period during the next 6 weeks. It is an appropriate context for us to consider these issues, and it is in our court. I think that we will handle it appropriately, but every member of this legislature will have an opportunity to address each and every one of these issues, and that is as it should be. Thank you, Mr. Speaker.

STATEMENT BY MR. HAYES

The SPEAKER. The Chair recognizes the gentleman, Mr. Hayes.

Mr. HAYES. Very briefly, Mr. Speaker.

When we were, as a legislature, enacting the regulatory review process, we were trying to make an effort to make that process as streamlined as possible, and today it would be most streamlined and most direct and most effective if we had the opportunity as the House of Representatives, as did the Senate, to indicate whether we do or do not want these regulations to go into effect.

The gentleman, Mr. Cowell, introduces a very cumbersome addendum to the regulatory process, a very entangled way of trying to address these pending rules and regulations dealing with special education. He is suggesting that we should begin to extend the regulatory process by passing laws to repeal those rules and regulations that we do not like. Well, obviously we can do that from a parliamentary standpoint, but for those persons who are still in the chamber here today, how many times in your legislative career has this House of Representatives and Senate and Governor together, how often have we together done that? And I daresay that in my 20 years in this House of Representatives, we have not done it very often.

Now, we have statutorily addressed a few regulatory problems from time to time, but in terms of the overall regulatory process, very seldom have we statutorily intervened. What we said in the IRRC process is, bring that resolution to the House of Representatives when there is the type of contention that exists in this chamber and across Pennsylvania and allow this House of Representatives - this chamber that represents the people - to say yes or no, whether they want those regulations to go forward.

The Department of Education has persisted in bringing to this Commonwealth of Pennsylvania rules and regulations that have not been agreed to by the standing committees and have not been agreed to by the Senate of Pennsylvania. Now, the gentleman, Mr. Cowell, is suggesting that we just keep moving forward even though we, on previous occasions, have expressed our disdain for those regulations that are pending with regard to special education. This is not the right way to do it from a process standpoint.

Then the gentleman stands there talking about how we are going to do all sorts of wonderful budgetary things in the month of June. I, as one lawmaker and as one legislative leader, believe it is going to be very, very difficult indeed to bring all these pieces together in fiscal harmony. I believe that there is going to be rather severe impact in some of the school districts across Pennsylvania, and I do not believe that all those serious problems are going to be effectively addressed, as implied by the gentleman, Mr. Cowell, during the June budgetary process. I believe that that is a great deal of wishful thinking indeed. If this were another year, when there were robust surpluses available for the upcoming fiscal year, I might say that the gentleman is probably accurate, but in this budget season, I believe the gentleman is way off the mark in terms of his optimism and his euphoria in terms of what great-

ness we are going to be able to achieve in this year's budget in relationship to what is being promulgated by the Department of Education.

There is nothing forcing us at this moment to leap and to adopt these regulations in this parliamentary way, and I recognize the Speaker's prerogative, and I am not going to be critical of the Speaker, but obviously, the Speaker's prerogative is being used to deny this House an opportunity to vote on these pending regulations, and I do not think that that best serves the 501 school districts - the children and parents of those children who need special education services - and I believe we should have faced this issue forthrightly today.

I believe the House would have rejected the regulations, and I believe that would have then sent a very clear message to the Department of Education: Bring back those 97 percents that Mr. Cowell talked about and leave the other 3 percent behind, and if this General Assembly wants to address those issues statutorily, they will do that. Give us the regulations that are agreed to but no more. Thank you, Mr. Speaker.

HOUSE BILL INTRODUCED AND REFERRED

No. 2603 By Representatives ITKIN, DeWEESE, PIEVSKY, KUKOVICH, RICHARDSON, PISTELLA, PRESSMANN, CAWLEY, CAPPABIANCA, COHEN, STUBAN, FREEMAN, SALOOM, MICHLOVIC, WASS, TRICH, JOHNSON, STABACK, BORTNER and SCRIMENTI

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," further providing for the disclosure of the cost of pharmaceutical products sold in this Commonwealth and the establishment of a pharmaceutical manufacturers' discount program.

Referred to Committee on APPROPRIATIONS, May 23, 1990.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. DeWEESE. Mr. Speaker, I move that HB 2350 be taken from the table and placed upon the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS SIGNED BY SPEAKER

The Chair gave notice that he was about to sign the following bills, which were then signed:

HB 820, PN 3465

An Act amending the act of December 7, 1982 (P. L. 784, No. 225), known as the "Dog Law," providing for the control of dangerous dogs; further providing for violations of the act; further providing for inspections; and providing penalties.

HB 1139, PN 3467

An Act amending the act of April 12, 1951 (P. L. 90, No. 21), known as the "Liquor Code," further providing for the issuance of licenses for sales at performing arts facilities; and providing for the issuance of licenses for sales at nonprimary pari-mutuel wagering locations and racetracks.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER. The Chair acknowledges the receipt of additions and deletions of sponsorships of bills, which will be included in the record.

The following list was submitted:

ADDITIONS:

HB 182, Freeman; HB 183, Freeman; HB 184, Freeman; HB 505, Richardson; HB 921, Fox, Flick; HB 1117, James; HB 1118, James; HB 1310, Steighner; HB 1456, McHale; HB 1661, Rybak; HB 1699, Petrone; HB 1861, Nailor; HB 1932, Josephs; HB 2179, Fox; HB 2181, Lucyk; HB 2199, Bortner; HB 2277, Haluska; HB 2300, Williams; HB 2309, Richardson; HB 2320, Richardson; HB 2322, Richardson; HB 2330, Richardson; HB 2333, Richardson; HB 2336, Richardson; HB 2337, Richardson; HB 2338, Adolph; HB 2354, Richardson; HB 2358, Richardson; HB 2359, Richardson; HB 2360, Richardson; HB 2361, Richardson; HB 2362, Richardson; HB 2365, Richardson; HB 2366, Richardson; HB 2371, Richardson; HB 2372, Richardson; HB 2376, Pressmann, Richardson; HB 2387, Richardson; HB 2389, Richardson; HB 2397, Richardson; HB 2398, Richardson; HB 2399, Coy; HB 2400, Coy; HB 2405, Richardson; HB 2416, Richardson; HB 2428, Thomas; HB 2435, Richardson; HB 2439, Richardson; HB 2444, Williams; HB 2465, Coy; HB 2482, D. F. Clark, Steighner; HB 2488, Civera, Tangretti; HB 2489, Belardi; HB 2491, Steighner, Belardi; HB 2493, Civera; HB 2494, Semmel, Gannon, Burd, Civera, Bishop, Telek, Trello, Diatterick, D. W. Snyder, Laughlin, Adolph, Kasunic; HB 2496, Telek; HB 2497, Telek, Lee, Trello, Diatterick, D. W. Snyder, Adolph, Kasunic, Battisto, Leh, Itkin, Civera; HB 2499, Itkin; HB 2501, D. W. Snyder, Angstadt, Richardson, Adolph, Telek, Civera, Laughlin; HB 2502, Michlovic, Lee, Bortner, Telek, Ritter, Kasunic; HB 2510, Laughlin, Richardson, Bishop, Freeman, Thomas; HB 2568, LaGrotta; HB 2569, LaGrotta; HB 2570, LaGrotta; HB 2578, Nahill; HR 266, Richardson; HR 269, Richardson; HR 282, Richardson; HR 284, Richardson; HR 293, Richardson; HR 297, Richardson; HR 298, Richardson; HR 302, Richardson; HR 306, Robbins, Richardson; HR 308, Richardson, McHale; HR 310, Corrigan, Fox, Hughes, Williams, Belardi; HR 316, Godshall; HR 320, Freeman, Trello, McHale, Steighner, Gigliotti, Rudy, Fox, Kondrich, Kasunic, Itkin, Josephs, Veon, Markosek, S. H. Smith, Coy; HR 323, Kenney, Richardson.

DELETIONS:

HB 1376, J. H. Clark; HB 1996, Kenney; HB 2068, Bunt; HB 2162, Raymond, Civera; HB 2277, Serafini; HR 320, Levdansky; HR 323, Marsico.

STATEMENT BY MR. FLICK

The SPEAKER. The Chair recognizes the gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

Normally I would leave the hall of the House after the last vote is taken, but I feel so very strongly about the special edu-

cation regulations that I just wanted to stay here and go on record in support of my school districts - the administration, the board members, and many of the parents of those who attend the schools. I want to place it on the record that if those regulations were brought before us, I would have voted in the negative, and I wish we would have had the chance to vote on them.

I will be brief in my comments. I concur with my colleagues, Representative Hayes, Representative Davies, Representative Langtry, and Representative Taylor. I think they have spoken eloquently, but I do wish to officially go on record, and I thank you for this opportunity, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Any further business from the majority or minority?

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman, Mr. Pesci.

Mr. PESCI. Mr. Speaker, I move that this House do adjourn until Tuesday, May 29, 1990, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 1:34 p.m., e.d.t., the House adjourned.